

Tue. Jan. 28, 2003

Today's Page One stories:

- [Clara Harris had told investigator her husband was 'a good man'](#)
- [U.S. to reveal evidence against Iraq](#)
- [Allies say inspectors need time](#)
- [War talk gives Wall Street jitters](#)
- [Study finds local pediatric hospital care ailing](#)

Today's local and state stories:

- [Probe set in fire that killed mom, kids](#)
- [Girl, 7, shoots self in head](#)
- [Boy Scouts exec accused of molestation](#)
- [INS pushes 'late amnesty' applicants to hurry](#)
- [Teachers trek to Austin to urge reforms](#)
- [UT regent candidate could face questions about Enron ties](#)
- [Quadriplegic dies in Fort Bend County fire](#)
- [Hearing today on housing project plan](#)
- [Deaths: Jane Zivley, quiet aide at Bayou Bend](#)
- [News briefs](#)

Today's business stories

- [Student liabilities triple over decade](#)
- [Former Dynegy trader charged in pricing case](#)
- [Retailers' venture defends against music piracy](#)
 - [Justices end a wireless limbo](#)
 - [Virus-like Internet worm is all but contained](#)
 - [Five Microsoft consumer suits tossed](#)
 - [What's Online](#)
 - [Hotlist](#)
- [Housing market thrives as stock market falters](#)
- [Williams Energy doubles its profits](#)
- [Kazakhstan agrees on oil financing](#)
- [EU opposes U.S. plan on terrorism, cargo](#)
- [Port adds money for deal-making](#)

- [Credit-rating agencies under SEC microscope](#)
- [Sysco laps up another quarter of profits](#)
- [Dr Pepper/Seven Up giving designer dairy drinks a try](#)
- [National union taking a look at Imperial Sugar seniority](#)
- **[Briefs: Houston and state](#)**
- **[Briefs: Nation and world](#)**

Today's national stories

- [Cornyn to chair Judiciary subcommittee](#)
- [Supreme Court won't reopen debate on executions](#)
- [Panel advises limited use of heart-disease test](#)
- [FAA orders passenger weigh-ins on smaller planes](#)
- [Oakland ravaged again in post-Super Bowl riot](#)
- [Doctors skip work in Florida, Mississippi](#)
- [Health roundup](#)
- [National briefs](#)

Today's world stories

- [Anti-American rage fires Mideast](#)
- [Coalition soldiers battle Afghan rebel forces](#)
- [Wilting opposition buoys Sharon's election bid](#)
- [Colombia insists it's in control of beseiged region](#)
- [Venezuelan strike may be waning; reopenings cited](#)
- [40 die as bus, truck collide in India, say police](#)
- [World briefs](#)

Today's sports stories:

- [3-pointer has changed how high school game is played](#)
- [Special athletes defying age, redefining limits](#)

NFL

- [Top markets](#)
- **[Roundup: Lions think it over, fire Mornhinweg](#)**

College football

NBA

Women's basketball

College basketball

Major league baseball

Auto Racing

Boxing

Golf

Tennis

Today's feature stories

- [Pet World: Give chewing cat some nutritious treats](#)
 - [Rockettes member struts stuff to inspire young girls](#)
 - [New goal seen for birth-control pills](#)
 - ['Crispin' wins 2003 Newbery medal](#)
 - [Magazine on Southern matters relaunched](#)
 - [Review: Kimmel underwhelms in post-Bowl debut](#)
 - [Review: Obscure works provide fresh voices](#)
 - [New Marvel comic just says 'no' to violence](#)
 - [Don Hewitt leaving '60 Minutes'](#)
 - [Former Talk editor Tina Brown tests the television waters](#)
 - [Remember those old PCs? They're collectibles](#)
 - [Hip-huggers present more than just a fashion peril](#)
 - [Today on TV](#)
 - [On Two](#)
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Jan. 28, 2003, 12:35AM

Harris had told investigator her husband was 'good man'

By ALLAN TURNER

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David Harris may have been unfaithful, naively giving his heart to a wily woman who only had her eye on his pocketbook, but he was "a good man," Clara Harris told a private investigator just one day before she crushed her spouse beneath her Mercedes-Benz.

Harris, 44, is on trial on murder charges, accused of repeatedly running over her orthodontist husband outside a Clear Lake-area hotel July 24.

She occasionally dabbed tears from her eyes Monday as Harris County Assistant District Attorney Mia Magness questioned private investigator Claudine Phillips about Harris' arrangements to have her husband followed.

Phillips, who coordinates investigations for Webster-based Blue Moon Investigations, said Harris was "very professional, composed, straightforward" during their first meeting on the morning of July 23.

"You could tell she really loved him," Phillips said. "She said he was a good man who had fallen into a trap. She said that over and over again. ... He had been deceived by a woman taking him for his money."

During the 45-minute meeting, in which Harris agreed to pay \$1,547.98 to have her husband and his lover, Gail Bridges, trailed for three days, she expressed remorse for the way she had treated him, Phillips said.

She recounted that Clara Harris, a dentist, blamed herself for focusing on the couple's young twin sons rather than on her husband. At one point she admitted that a short vacation she had taken abroad might have provided an opportunity for Bridges to make her play, Phillips testified.

"I think Clara blames herself (for her husband's infidelity)," lead defense attorney George Parnham told reporters after court adjourned for the day. "It remains to be seen how much of that self-blame was an evaluation of what she did or did not do and how much was a result of a critique by her husband."

Harris told Phillips she had confronted Bridges at her husband's orthodontics office, where the 39-year-old, divorced mother of three worked as a receptionist.

Harris fired Bridges, becoming so angry, she told Phillips later, that she couldn't even recall what Bridges looked like. Phillips said Harris hired a Blue Moon investigator to trail her husband and Bridges to a Clear Lake-area restaurant where David Harris had agreed to call off the affair.

She also asked the agency to try to document a lesbian relationship she had been told existed between Bridges and her roommate, Phillips said. Included in the contract Harris signed with the agency was a stipulation that she would not show up at any investigation site.

That clause, Phillips told jurors, was to ensure the safety of the client, the investigator and the subject.

On July 24, less than an hour before the investigation was to begin, Harris arrived at Phillips' office to deliver a photo of Bridges and to provide the license plate number of her husband's automobile. With her was Lindsey Harris, her husband's teenage daughter from a previous marriage.

Phillips testified that Harris appeared to be "frantic" and in a "frenzy," swinging from agitation to composure.

At one point she became tearful, proclaiming that detective agency gumshoes were her "best friends."

"But before we could hand her a box of Kleenex," Phillips testified, "she had stopped crying."

Lindsey, she said, seemed inappropriately awed at being at a detective agency.

"She was teenagerish," Phillips said. "She thought it was cool."

Phillips testified that Harris left the office without handing over the photo of Bridges she ostensibly had come to deliver.

The testimony topped a day largely devoted to verbally revisiting the scene of David Harris' death, the parking lot of the Nassau Bay Hilton, at 3000 NASA Road 1.

Frank Reyna, then a Nassau Bay police patrolman, arrived there to find the victim lying in the parking lot while a hotel employee restrained a disconsolate Clara Harris.

Although she was sobbing, Reyna noted she was "not out of control" and, once handcuffed and placed in a police car, she quickly composed herself.

"Her level of upset came down," Reyna said. "She took deep breaths and sat there, and I didn't hear or see her crying."

Reyna also encountered Bridges in the parking lot and took her to police headquarters for questioning as a witness. Bridges, however, "faded in and out" of consciousness and complained of being painfully cold.

Police halted their attempted questioning and had her taken to a Clear Lake hospital, Reyna said.

Much of Monday afternoon was devoted to testimony from Nassau Bay police Detective Theresa Relkin, who, under Magness' questioning, methodically recounted her investigation at the scene.

Evidence that Relkin collected from the Hilton parking lot -- including one of the victim's teeth and part of his toupee -- was introduced as evidence.

As Magness entered into evidence two bloody towels taken from the scene, Harris cradled her face in her folded hands and quietly wept.

Earlier Monday, state District Judge Carol G. Davies ruled inadmissible -- at least for the moment -- a tape of a July 26 conversation in which Harris asked Blue Moon Vice President Bobbi Bacha for a partial refund because the investigation had not been completed.

Harris' trial will continue today with more testimony from police, defense attorney Parnham said.

The defendant's stepdaughter, Lindsey, probably will take the stand for the prosecution Wednesday, Parnham said.

If convicted of murder, Harris could be sentenced to life in prison, or receive as short a sentence as two years if the jury concludes she acted with "sudden passion."

She could be eligible for probation if she is sentenced to 10 years or less.

Jan. 27, 2003, 11:25PM

U.S. to reveal evidence against Iraq

By **BOB WOODWARD**
Washington Post

WASHINGTON -- The Bush administration has assembled what it believes to be significant intelligence showing that Iraq has been actively moving and concealing banned weapons systems and related equipment from United Nations inspectors, according to informed sources.

After a lengthy debate over what and how much of the intelligence to disclose, President Bush and his national security advisers have decided to declassify some of the information and make it public, perhaps as early as next week, in an effort to garner more domestic and international support for confronting Iraqi President Saddam Hussein with military force, officials said.

"The United States possesses several pieces of information which come from the work of our intelligence that show Iraq maintains prohibited weapons," Secretary of State Colin Powell said in an interview published Monday in an Italian newspaper. "Once we have made sure it can be done safely, I think that in the next week or soon after we can make public a good part of this material."

The information was gathered by U.S. intelligence agencies from what officials characterized as an array of sources and methods. The administration believes it shows that senior Iraqi officials and military officers who report to members of Saddam's inner circle have directed the movement and camouflage of the weapons or have knowledge of the operations, the sources said.

The concealment efforts have often taken place days or hours ahead of visits by U.N. inspection teams, which have been operating in Iraq during the past two months, according to these accounts. In many cases, the United States has what one source called "compelling" intelligence that is "unambiguous" in proving that Iraq is hiding banned weapons.

Speaking to reporters Monday, Powell said that U.N. inspectors have picked up similar indications of Iraqi concealment and that the United States supports the inspectors' claims.

"The inspectors have also told us that they have evidence that Iraq has moved or hidden items at sites just prior to inspection visits. That's what the inspectors say, not what Americans say, not what American intelligence says," he said. "Well, we certainly corroborate all of that, but this is information from the inspectors."

Officials have said for weeks that the United States has intelligence demonstrating that Iraq maintains banned weapons programs. But they have said they could not disclose the information because doing so would jeopardize U.S. intelligence-collection methods or military operations against possible weapon storage sites in the event of war.

The administration's decision to release even partial accounts of what it believes it has learned would clearly be designed to bolster the U.S. case in the U.N. Security Council, where leading members oppose an early decision to go to war, and among many Americans, who recent polls suggest are not convinced of the need for an immediate military confrontation. Democrats on Capitol Hill recently have increased calls on the administration to make public what it knows.

Despite the building pressure on the United States to support its claims about Iraqi behavior, sources said that U.S. intelligence agencies have not traced or located a large cache of prohibited weapons or ingredients used in the making of chemical or biological weapons. They said the U.S. government still lacks a "smoking gun" -- the kind of definitive evidence that would prove that Iraq still has chemical or biological weapons, or a nuclear weapons development program.

On top of that, what little intelligence the administration has released about Iraq has been challenged by U.N. officials and some Security Council members. In particular, these critics cite Bush's allegation, made to the U.N. General Assembly in September, that Iraq had tried to buy thousands of high-strength aluminum tubes to enrich uranium for nuclear weapons. After investigating the claim, U.N. inspectors concluded the tubes likely were never meant for enriching uranium but rather were intended as components for ordinary artillery rockets -- a finding consistent with Iraqi explanations.

A senior State Department official said the information the administration plans to release will show what the Iraqis are "doing, what they're not doing, how they're deceiving."

"We will lay out the case that we can, and we will leave it to others to judge," the official said. "When you listen to it, it should be disturbing to those people who listen objectively. To those who have made up their minds and want to duck their heads in the sand, it will pass right over them."

Spokesmen for the White House and U.S. intelligence agencies declined to comment.

In one recent example of what officials described as Iraqi obstruction, a ranking Iraqi official issued a warning that U.N. inspectors were planning a visit and directed those at the site to conceal specific prohibited weapons. In another, an Iraqi official directed scientists and others involved in research or production of chemical and biological weapons to conceal their files and papers from the inspectors.

In other cases, the sources said, the intelligence is more circumstantial. These would include photographs of intense activity around a building believed to be involved in the manufacture or storage of prohibited weapons.

Stephen J. Hadley, Bush's deputy national security adviser, heads a task force that is trying to sort through the intelligence and recommend what to declassify. But officials said the process is complicated because revealing the exact intelligence could compromise sources and methods of intelligence gathering that would be needed in the confrontation with Iraq.

Jan. 27, 2003, 11:31PM

Allies say inspectors need time

By MICHAEL HEDGES

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WASHINGTON -- The Bush administration moved steadily Monday toward military conflict with Iraq after a United Nations report found that Saddam Hussein had not fully complied with weapons inspectors.

U.S. officials suggested that a decision about military confrontation could come as early as next week, but indicated that the report by Hans Blix, leader of the U.N.'s weapons inspection team, did not trigger a specific timetable for war.

The report raised concerns that Iraq was concealing chemical and biological weapons capable of widespread carnage, but Blix said inspectors needed more time to make a complete assessment of whether Iraq had destroyed weapons as mandated by the Gulf War cease-fire in 1991.

"Even at this late date, the United States hopes for a peaceful solution," Secretary of State Colin Powell said after Blix issued his report Monday.

"We will have our discussions and consultations this week, and then we will announce (our) next steps at an appropriate time."

Administration officials said Bush was not expected to announce any ultimatum for Iraq, or declaration of war, during his State of the Union address today. Rather, he is expected to outline in general the case against a prolonged series of inspections.

Then, beginning after a meeting between Bush and British Prime Minister Tony Blair on Friday, the administration is expected to begin releasing previously undisclosed evidence that Iraq possesses weapons of mass destruction, a U.S. official said.

Blix's report hinted at undisclosed weapons but provided no fresh evidence. In carefully modulated, neutral language, Blix said he found circumstantial evidence that Iraq could hold a devastating arsenal of chemical and biological weapons.

Iraq provided a "workable environment" for inspections and did not directly refuse access to any weapons site, but he also described some "disturbing incidents and harassments" such as anti-inspection

demonstrations.

The meat of the report was a list of Iraqi weapons the U.N. team had not been able to find or the destruction of which could not be verified.

Blix disclosed, for example, that there is a "discrepancy of 6,500 bombs" between the number of chemical weapons explosives Iraq admitted to having, and that Saddam has accounted for.

"The amount of chemical agent in these bombs would be in the order of about 1,000 tons," he said.

Blix noted that the 122 mm chemical rockets inspectors found "could also be the tip of a submerged iceberg. The discovery of a few rockets ... points to the issue of several thousand ... chemical rockets that are unaccounted for."

Also, according to Blix, "Iraq has provided little evidence for production of (8,500 liters of anthrax and other biological toxins) and no convincing evidence for its destruction."

He added, "There are strong indications that Iraq produced more anthrax than it declared and that at least some of this was retained after the declared destruction date."

On the issue of whether Saddam was attempting to build nuclear weapons, U.N. atomic weapons official Mohamed ElBaradei said investigations were under way despite some interference by Iraqi officials. He said, however, that inspectors needed more time.

"We should be able within the next few months to provide credible assurance that Iraq has no nuclear weapons program," he said.

While the Bush administration found support for its position in the report, U.N. Security Council members France, Russia and China, among other member nations, found reasons to stick to their position that inspections should continue for an undefined period.

U.S. officials, however, urged allies and U.N. Security Council members to avoid an open-ended inspection process that Saddam could manipulate.

"It benefits no one to let Saddam Hussein think he can wear us down into the business as usual as he has practiced it over the last 12 years," said U.N. Ambassador John Negroponte. "It was never the task of the U.N. inspectors to look under every rock to find Iraq's hidden weapons."

In a letter to U.N. Secretary-General Kofi Annan made public late Monday, Iraq insisted it is "acting in good faith" with arms inspectors, giving them "effective and genuine cooperation" despite the "arbitrariness and bias" in the search.

Meanwhile, Iraqi Deputy Prime Minister Tariq Aziz told Canada's CBC television that his country would not seek to attack targets in the United States if Washington launched an invasion but might strike at Kuwait. "Kuwait is a battlefield and American troops are in Kuwait and preparing themselves to attack Iraq. If there will be an attack from Kuwait I cannot say that we will not retaliate," Aziz said.

Jan. 27, 2003, 10:51PM

War talk gives Wall Street jitters

Unique uncertainty could slow rebound

By DARRIN SCHLEGEL

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It's become increasingly clear that the threat of war is spooking investors as the Bush administration inches the United States closer to conflict with Iraq.

The question is, if a peaceful resolution can't be had and fighting begins, will Wall Street bounce back?

Historically, the market has rallied when saber rattling ceases and mayhem ensues.

But the recovery often depends upon the length and outcome of the war, economists say.

The current situation the United States faces may well present unique problems that hamper a potential upswing.

Even if the United States wins a relatively short war against Iraq, analysts say, it must still contend with the nuclear threat in North Korea, lingering terrorism concerns and a limping economy.

Any one of those three factors and more can continue to wreak havoc on the market and hinder a wartime recovery.

"There's no question that all wars are not created equal," said Anthony Chan, chief economist at Banc One Investment Advisors. "Until all this uncertainty from these other factors gets resolved, the equity market is not going to make progress."

So far, at least, investors are reacting to the prospect of war much as generations did before them.

History shows time and again that investors blink first in a staredown between warring factions, and to almost no one's surprise it's happened again in anticipation of fighting in Iraq.

"In the great majority of cases when there has been a script that appears to have war as the conclusion, markets have gone down -- and gone down by relatively considerable amounts," said George Ball, chairman of Sanders Morris Harris Group in Houston.

The Dow Jones industrial average plunged 5.3 percent last week, erasing all of the year's gains, and another 1.7 percent Monday.

Investors are concerned about a number of potential problems, including high oil prices, which could erode corporate profits, and the war's effects on business and consumer spending.

The dollar also is weakening on fears of the outlook for the U.S. economy.

Meanwhile, safe-haven investments such as gold and government bonds are generally prospering from the equities retreat.

This week, in particular, promises to show just how nervous investors are as they ponder fallout from the U.N. weapons inspectors report and the State of the Union address from President Bush.

"The natural instinct of investors when they sense there's an uncertain event that is out there and coming closer is to just freeze and hold off," said Jim Glassman, senior economist at J.P. Morgan Chase & Co. "So you tend to get the markets reacting negatively like this."

Investors also shunned stocks leading up to previous wars, Chan said.

Before the United States became involved in the Korean War, for example, the Dow fell 7.8 percent after North Korea invaded South Korea.

More recently, the Dow took a 12.7 percent tumble between the time Iraq invaded Kuwait in the fall of 1990 and Congress authorized the use of force against Saddam Hussein's troops.

Once the war begins, however, the fear of the unknown subsides a bit and investors tend to turn back to stocks, Chan said.

His research indicates that the Dow has risen by an average of 18.4 percent during the last seven major military conflicts since the Spanish-American War in 1898.

The shorter the conflict is, he said, the better the market and economy recover.

"The length of war is what really determines whether the equity market is going to be more rewarding or less rewarding," he said.

Other economists agree.

A short, victorious war of about a month would be more beneficial to the economy than a drawn-out

conflict with Iraq, said Sung Won Sohn, chief economist for Wells Fargo Bank in Minneapolis.

"In that case, consumer confidence would really soar, oil prices would plunge and, as a result, I think the economy would be very healthy," he said, adding that the Dow could gain 500 points relatively quickly. "Also, President Bush's popularity would be so high that he would be able to push his economic stimulus program through Congress."

On the other hand, Sohn said, a "messy" war that extends beyond 2003 would push the economy into a deeper recession.

"The stock market would plunge," he said. "And President Bush's popularity would be damaged, so he would have a tougher time pushing the stimulus package through Congress."

In either scenario, the United States may still be dealing with North Korea and potential terrorist threats.

And those situations could prolong the market's woes.

"Financial markets don't like uncertainty and consumers don't like uncertainty," said Michael Davis, an economics and finance professor at Southern Methodist University in Dallas. "So if you're in an environment, and I think it's fair to say that's where we are now, where no one knows for sure what's going to happen, that can't help but be a bad thing for the financial markets and probably also consumer spending."

Jan. 28, 2003, 12:04AM

Study diagnoses ailing pediatric hospital care

By ROMA KHANNA

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Houston-area children face delayed treatment and even death at local hospitals because the overburdened trauma care system is not equipped to handle them, according to a study released today.

One-third of children taken to an emergency room in the 12-county region must immediately be transferred to a facility that can provide appropriate care, according to the independent study. Such transfers typically take two to four hours, but may take as long as six hours.

"This is precious time that is the difference between whether a sick child lives or dies," said Dr. Guy Clifton, president of Save Our ERs, a local coalition of medical professionals and community leaders pushing for improved trauma care.

Because of the ongoing intensive-care bed shortage, children have been transferred as far as Temple, about 200 miles away.

One such transfer in 2001 led to the death of a 5-month-old boy who was originally taken to a Baytown emergency room for a blunt trauma head injury, said Dr. Ken Mattox, chief of surgery for the Harris County Hospital District.

Clifton's group commissioned the study, which was conducted by the Abaris Group, a California-based independent consulting firm that specializes in trauma care. The firm surveyed 54 hospitals in Houston and the surrounding 12-county region.

It found many local hospitals do not have the facilities or staff to treat critically ill children and those hospitals that can care for children do not have the capacity to meet the region's needs.

"Normal, day-to-day operations are on a razor's edge in terms of capacity," Clifton said. "If we have one big flu epidemic, we are in big trouble.

"Imagine what would happen in the event of a catastrophe if we can't handle this on a daily basis?"

Bryan Sperry, president of the Children's Hospital Association of Texas, said people take the health care system for granted.

"We think of it like the water system: When we turn on the tap, water will be there," Sperry said. "We think when our kids have an emergency, the care will always be there, and clearly that is not always the case."

Hospital administrators say the problem is a reflection of the regionwide shortage of trauma care. There are only three area hospitals equipped to handle the most serious trauma cases. And many emergency rooms are strained, treating uninsured patients, including children, who come seeking primary care.

A Harris County study released in December called for two additional trauma centers in the area, along with a regionwide system for coordinating care. The Houston-Galveston Area Council and local governments are trying to meet these recommendations -- estimated to cost \$70 million -- but relief for patients and hospitals is a long way off.

"We are inching toward a solution," said John Guest, president of the Harris County Hospital District. "But in the meantime, this is just one more piece of evidence that the overall system is overloaded and that it is having an effect on children."

The majority of hospitals that responded to the Abaris survey had few to no pediatric facilities, such as special treatment stations in the emergency room, inpatient beds and intensive-care beds. Few hospitals had staff educated or certified in pediatrics.

Most hospitals said finding a facility that would take children was the leading problem facing pediatric emergency room patients. Hospitals said children with a treatable illness that does not require long-term care are the most difficult to place, followed by children who require treatment for trauma or injury.

To alleviate these problems, the study recommends improving the overall trauma system and its capabilities, increasing the number of beds for children, and better educating staff on how to treat children.

A key component of any solution, Clifton said, should be clearing emergency departments of uninsured children through increased enrollment in programs such as Medicaid and the Children's Health Insurance Program.

"People think of this as other people's problem," Clifton said. "But it is not. Everyone is at risk when our children do not get the care they need."

Jan. 28, 2003, 12:40AM

Independent probe set in fire that killed mom, 3 children

Associated Press

HERMLEIGH -- An independent fire investigator has been hired to look into the cause of a mobile home fire that killed four people last week.

Private attorneys who contacted family members hired a Houston company to do the independent probe, said Scurry County Sheriff Darren Jackson.

Killed in the blaze Thursday were Desiree Flores, 18; her two daughters, Jasmine, 2; and Angela, 1; and her 2-month-old son, Jimmy Luna Jr.

A call to one of the attorneys, Cesar Perez of San Antonio, who is representing the father of Desiree Flores, was not immediately returned Monday.

Investigators have classified the fire's cause as undetermined, but the case will be reopened if needed, Kelly Vandygriff, deputy state fire marshal, said last week.

The site of the destroyed single-wide mobile home will be watched by sheriff's deputies until the independent investigation is completed, said Delwin Davis, chief deputy of the Scurry County Sheriff's Office.

Four others in the mobile home, including the father of the infant boy, escaped shortly after the fire broke out about 1 a.m. Thursday. The infant's grandfather, Salvador Luna, suffered injuries but has been released from the hospital in Snyder where he was treated.

The fire happened about 70 miles northwest of Abilene.

Jan. 27, 2003, 11:22PM

Girl, 7, shoots self in head

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A 7-year-old girl shot herself in the head while being baby-sat by a 13-year-old girl in Deer Park on Monday, police said.

The girl was flown to Memorial Hermann Hospital in Houston about 8:15 p.m., but hospital officials withheld information at the family's request.

Neighbors in the 100 block of West 4th Street said the home is owned by a Houston police officer. A Houston Police Department patrol car pulled up to the scene, but the department would not confirm whether the officer lives at the house.

Jan. 27, 2003, 11:28PM

Boy Scouts executive arrested on molestation charge

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WHARTON -- A Boy Scouts of America executive has been arrested on a charge that he molested a teenage boy.

Wharton County District Attorney Josh McCown said the alleged sexual assault occurred about a year ago but was not reported to authorities until recently.

McCown would not give many details about the case but did say the boy was more than 16 years old when the alleged assault occurred and that it is not alleged to have happened at a place associated with Scouting.

Arrested was Melvin Sands, 49, of East Bernard. Sands is a district executive with the Sam Houston Area Council of the Boy Scouts of America, which is headquartered in Houston and encompasses 16 counties and part of a 17th.

Sands worked with adult volunteers in Austin, Washington and Waller counties.

Sands' professional duties did not put him in contact with children, said Kristen Seidensticker, a spokeswoman for the Sam Houston Council. Nevertheless, under Boy Scouts of America policy, Sands was suspended pending the outcome of the criminal investigation, Seidensticker said.

Sands was arrested Thursday and was released from custody after posting a \$20,000 bond.

McCown said the case will be referred to a grand jury.

Jan. 27, 2003, 9:26PM

INS pushes 'late amnesty' applicants to hurry

15,000 in Houston may qualify to be considered for residency

By EDWARD HEGSTROM

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The federal government wants to find 150,000 eligible immigrants -- including perhaps 15,000 in Houston -- so they can apply for green cards or permanent residency.

The Immigration and Naturalization Service said Monday it will take out advertisements on Spanish-language radio and television programs to seek out so-called "late amnesty" applicants -- U.S. residents since 1982 who previously joined a class-action lawsuit against the government.

The immigrants have until June 4 to apply for permanent residency under a program approved by Congress.

"Our message is: Don't be left out," Michael Garcia, INS acting commissioner, said in a Washington news conference simulcast in Houston and three other cities targeted for the media campaign.

But the attorney representing the late amnesty applicants criticized the INS effort as a publicity stunt attempting to gloss over a much deeper problem.

"I don't think a handful of press conferences is going to do the trick," said Peter Schey of Los Angeles. "That's not an efficient or effective or fair way to reach a population injured by an INS violation of the law."

The INS should send letters to the last known addresses of those who qualify for late amnesty, Schey says.

In 1986, Congress approved permanent residency for illegal immigrants who had lived in this country for at least four years. Hundreds of thousands applied for the amnesty but were rejected because they admitted leaving the country temporarily during the time.

Courts later determined those immigrants should have received amnesty, and thousands joined class-action lawsuits claiming they were incorrectly rejected.

In December 2000, then-President Clinton signed a bill, known as the LIFE Act, calling for extending amnesty to all of those involved in the class-action lawsuits. The government estimates more than 200,000 people qualify, though Schey says the number is closer to 300,000.

The LIFE act gave the immigrants until June 2002 to apply. But so few did, the INS extended the deadline a year.

Still, only 50,000 people have come forward to apply. In Houston, 5,000 have petitioned to apply and 76 have been approved, said Hipolito Acosta, acting district director for the INS.

"There could be more than 20,000 people in Houston who qualify," he said.

Schey believes the immigrants might not be coming forward because they have not been informed about the LIFE Act. But others cite another source: fear.

"People are seeing that the INS bounces the applicants around this way and that way, and those who haven't applied are afraid to do it," said Dora Salas, a member of Association for Residency and Citizenship of America, a local group of late amnesty applicants. "In Houston, we're supposed to have 20,000 (applicants), and where are they?"

Salas said many of those who qualify are worried because applicants must prove they were in the country in the 1980s, something hard for some to do today.

Others fear taking a test in English, Salas said. To qualify for permanent residency, late amnesty applicants must take a test in English and are asked some of the questions normally asked during citizenship exams.

Jan. 27, 2003, 9:24PM

Teachers out to school lawmakers

Thousands descend on Capitol to push for funding, insurance

By CONNIE MABIN
Associated Press

AUSTIN -- Evelyn Hardaman took a day off Monday from her special education class at Thornton Elementary in San Antonio, but the 20-year teacher was still at work bright and early.

She, along with thousands of other educators from across Texas, roamed the state Capitol to push for issues important to them. Among them: protecting education funding, maintaining teacher health insurance, keeping class sizes small and fighting off school vouchers.

"We have a strong impact if we come in and say, 'We're in the field; we know what's going on.' We hope our voices have a little more credibility," Hardaman said after a meeting at the office of Rep. Jose Menendez, D-San Antonio.

Hardaman was among those from the 100,000-member Association of Texas Professional Educators who missed work and made the road trip to Austin to get some face time with lawmakers.

The teachers attended a weekend meeting where they learned how to effectively meet with lawmakers and what education issues are being discussed.

At the Capitol, they lugged folders and pamphlets with the group's stance as they went from office to office.

In Menendez's office, legislative director Daniel Ortiz scribbled notes on a yellow pad as he listened intently to five Northside Independent School District teachers talk about their views.

Kindergarten teacher Elizabeth Turner explained that she believes Senate Bill 30 needs some changes. It proposes making kindergarten mandatory for all children, which Turner agrees with. But she disagrees with lowering the starting age to 4.

"The kids are too young," she explained. "That's not good for them. They'll be totally frustrated and not like school."

Ortiz made note of it and promised to pass her views along to his boss.

Education, most lawmakers say, is their top priority. But a budget shortfall of at least \$9.9 billion and orders from Gov. Rick Perry and other leaders to cut state agency budgets has the teachers worried that campaign promises may go unfulfilled.

"We worked hard to make strides in the last legislative session. We don't want to lose any," said Lynda Stark, a third-grade teacher at Northwest Crossing Elementary in San Antonio. "We would really like to make sure in this short budget year that they do not make any backslides in education."

Perry's promise that the teachers health insurance program would continue this session is good news to Stark, who said some educators would not be able to afford coverage if the state eliminates the program started last session.

"It would be like they're decreasing our salaries," said David de La Garza, a fourth-grade teacher at James Carson Elementary. "We're here to say, `Just don't cut education.' "

Scobee Elementary teacher Beverly Barrett said she made the 75-mile trip to Austin to tell legislators in person that she wants them to balance the budget without taking away funding from public schools.

"Education is our life. It's our priority. As facilitators of learning, we have to maintain good standards," she said.

Jan. 27, 2003, 9:28PM

UT regent candidate could face questions about ties to Enron

By R.G. RATCLIFFE

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AUSTIN -- A state senator said Monday he may question Houston investor H. Scott Caven's role in the controversial appointment of a former Enron executive to the Public Utility Commission if Gov. Rick Perry names Caven to the University of Texas Board of Regents.

Sen. Gonzalo Barrientos, D-Austin, a member of the Senate Nominations Committee, said he may grill Caven about serving as a go-between in Perry's 2001 appointment of former Enron executive Max Yzaguirre as chairman of the PUC.

At the time, the PUC was overseeing the deregulation of the Texas electric market in which an Enron subsidiary was competing. Perry received a \$25,000 donation from Enron Chairman Ken Lay a day after Yzaguirre was appointed. Caven was Perry's campaign finance chairman.

"Anytime you mention Enron or anything around it, the public perks up their ears," Barrientos said.

A governor's appointment to the UT board requires Senate confirmation.

Barrientos' district includes the University of Texas at Austin. He also supported Democrat Tony Sanchez's run for governor.

Under fire from Sanchez, Yzaguirre resigned last year after it was revealed that he had been an officer in some of the dummy companies that Enron set up to alter its accounting to hide losses.

Enron filed for bankruptcy in December 2001.

Perry spokesman Kathy Walt said the Yzaguirre situation was irrelevant to any possible appointment of Caven as a regent.

"Scott Caven, if he is appointed, would be appointed to something entirely different," Walt said. "It has no bearing on the PUC to be on the UT board of regents."

Caven, 60, also said the Yzaguirre controversy is "irrelevant" to whether he is appointed to the UT system governing board.

Caven said Yzaguirre called him from Mexico, where he was head of Enron's operations there, and told him Enron wanted a long-term commitment to working in the country. He said Yzaguirre wanted to return to the United States.

So Caven said he called the governor's chief of staff, Barry McBee, to see if any appointments were available. He said several weeks later Perry's staff called back and asked whether he thought Yzaguirre would be a good appointment to the PUC.

"I told them he was a good guy," Caven said.

"There never was any calls from Ken Lay or any pressure. I never had contact at all with any person with Enron with regard to Max," Caven said. "It was a personal friendship we had through the Texas Business Hall of Fame."

Caven said he has no problem with telling his story again before the nominations committee.

"If he (Barrientos) brings it up, I will answer it the same way. I'm not sure that's relevant to service on the board of regents," he said.

A graduate of the UT schools of business and law, Caven said he wants the appointment because he has been involved in higher education for the past decade. He noted he has been an adviser to the business school since 1992.

Caven also chaired the Texas Growth Fund from 1989 to 1999. He is a former vice president of Goldman Sachs & Co.

Perry was asked Monday to confirm plans to appoint Caven and Austin businessman James Huffines to the UT board.

"They are both very good folks, and we'll announce that at the appropriate time," Perry said.

Jan. 27, 2003, 10:03PM

Quadriplegic dies in Fort Bend County fire

Rescue attempts by wife, police fail

By ERIC HANSON

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SUGAR LAND -- Despite frantic rescue efforts by his wife and police, a quadriplegic perished in a fire that swept through the bedroom of his Fort Bend County home Monday.

Investigators have not determined what caused the blaze that killed Sterling Poche, 38, about 5 a.m. at his house in the 4700 block of Torrington in the New Territory development.

Robert Baker, senior investigator for the county fire marshal's office, said the victim's wife, Tara Poche, told officials she was in the living room and noticed smoke coming from her husband's bedroom.

She raced into the room and was able to pull him from the bed but could not drag him out of the smoke-choked room.

"He weighed between 180 and 200 pounds, and she couldn't get him out," Baker added.

A sheriff's deputy arrived at the home shortly after the fire was reported and also tried to rescue Poche.

"He had to back out of the room because the fire was already pretty intense in there," Baker said.

It took Sugar Land firefighters about 30 minutes to extinguish the blaze, which damaged a portion of the one-story brick home located on a cul-de-sac.

Firefighters found Poche's body on the floor near his bed.

Baker said fire investigators do not know how the fire started but have determined that it began in Poche's bed. He said there are several possibilities regarding the origin of the fire.

"Right now, we are trying to pin it down to one of them," he added.

Jan. 27, 2003, 10:05PM

Hearing today on low-income housing project plan

The Texas Department of Housing and Community Affairs will hold a public hearing on a proposed low-income housing project for west Harris County at 6 p.m. today at Mayde Creek High School, 19202 Groeschke.

The project by Trammell Crow Residential, an Austin-based developer, calls for \$12 million in state bond financing to build a 220-unit apartment complex on an 11.3-acre parcel at Groeschke and Barker-Cypress.

Oral and written testimony will be accepted, and materials and a transcript of the hearing will be reviewed in Austin in the next phase of the bond request process, officials said.

Jan. 27, 2003, 8:06PM

Jane Zivley, quiet aide at Bayou Bend

By RACHEL GRAVES

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Jane Beeler Zivley, who helped Ima Hogg collect the early American antiques on display at the Bayou Bend Collection and Gardens, died Saturday. She was 100.

Zivley worked as Hogg's personal secretary and companion for 25 years, traveling around the United States with her to collect furniture and accessories for the Hogg family home.

Hogg donated the house, built in the late 1920s, to the Museum of Fine Arts, Houston, in 1957. It opened in 1966 as a museum featuring American decorative arts dating from 1620 to 1870.

When Hogg died in 1975, the funeral was held at Bayou Bend.

"Mother took us through the house and told us about each piece of furniture," said Zivley's son, Walter Zivley.

Walter Zivley escorted his mother to dinners at Bayou Bend when he was a college student, an experience he resented at the time but now appreciates.

Jane Zivley was born in Mineral Wells, a small town in north-central Texas, on Nov. 27, 1902. She graduated from Mineral Wells High School in 1920 and earned a bachelor's degree in home economics from Southern Methodist University in 1924. She married Walter Perry Zivley in 1925, and the two lived in Mineral Wells.

Her husband died suddenly of appendicitis in 1933, less than two years after their son was born.

Raising her son by herself, Jane Zivley moved to Houston in search of work during the Depression.

In contrast to her social maven employer, Zivley stayed out of the limelight.

"She never liked her name anywhere," Walter Zivley said. "She just was very private."

Zivley is survived by her son, four grandchildren and 12 great-grandchildren, all of whom addressed her as "Janie."

"She was an inspiration to (her grandchildren and great-grandchildren) with her spirit and tenacity," Walter Zivley said, adding that most had the benefit of living in Houston with her. "It's a wonderful thing in today's society for people to experience a generational difference."

Zivley recently celebrated her 100th birthday with a surprise party for 75 guests at Tony's.

"She lived a very long, healthy life," said grandson Perry Zivley. "Her mind was very sound until the very end."

A memorial service will be today at 10:30 a.m. at Geo. H. Lewis & Sons, 1010 Bering. Burial will be Wednesday in Mineral Wells.

Deaths elsewhere

Jerome Jessie Berry, father of Academy Award-winning actress Halle Berry, Jan. 24, of Parkinson's disease, at a Cleveland nursing home. He was 68.

Robert Rockwell, who played dozens of television roles including Philip Boynton, the shy biology teacher and love interest for Eve Arden in the 1950s sitcom *Our Miss Brooks*, Jan. 25, of cancer, in Malibu, Calif. He was 82.

Monica Furlong, a Christian writer and feminist who was a leading figure in the successful campaign for the ordination of women priests in the Church of England, Jan. 14, of cancer, in London. She was 72.

Dan J. Hesser, who worked his way up from clerk to chief executive of Invesco Funds, Jan. 26, three weeks after he was injured in a horseback-riding accident, in Denver. He was 63.

Zeljko Kujundzic, a sculptor and art professor who helped establish a British Columbia art school, Jan. 23, of undisclosed cause, in Osoyoos, British Columbia. He was 82.

Jan. 27, 2003, 11:06PM

News briefs

State

Man, 78, found alive in trunk; 3 in custody

BEAUMONT -- Three people were in custody Monday night after two of them allegedly tried to cash a check written by a 78-year-old man who was abducted from his home in an upscale Beaumont neighborhood earlier in the day, police said.

Russell Chase Jr. was found alive in the trunk of his car. Police said three armed intruders wearing ski masks broke into the home of Chase and his wife, Faye, about 11 a.m., then bound and gagged the couple. They took Russell Chase Jr. with them when they left about two hours later.

A 17-year-old man and a juvenile woman were apprehended after bank tellers alerted police that the two were trying to cash the check for an undisclosed amount. Police had notified local banks to be on the lookout for the check.

The two suspects directed police to a residence where a third man in his early 20s was taken into custody, the Beaumont Enterprise reported in its Tuesday editions.

Police were questioning the three Monday night. Their names were not released because they had not been charged with a crime.

Searchers unable to find bodies of teen boaters

GROVETON -- The bodies of two Houston-area teenagers missing and presumed drowned at Lake Livingston still have not been recovered.

Melissa Mercer, 17, and Kevin Young, 17, have been missing since the afternoon of Jan. 19, when the teenagers from near Jersey Village took an open-bowed boat on the lake. The boat was discovered the next day with life jackets and oars still inside.

Crews have searched the lake near Trinity every day for a week but have not been able to locate them. Trinity County sheriff's deputies said they intend to search again today.

Area

Hit-and-run driver kills man at bus stop

A driver swerving to avoid a Metro bus picking up passengers in northeast Houston Monday struck and killed a pedestrian before fleeing, police said.

The 1989 Cadillac DeVille hit the 48-year-old victim walking on the sidewalk in the 10500 block of the Eastex Freeway service road about 3 p.m. He was thrown into the windshield of the vehicle, which then crashed into the bus stop.

Police said the driver dumped the car in the 3900 block of Saunders. Officers said the car was recently sold by the registered owner, but they had an idea who was driving. The victim's identity was withheld pending notification of kin.

Man shot to death in car outside bar

A man sitting in his car was shot to death outside a northeast Houston neighborhood bar Monday.

Stoney Davis, 26, was shot shortly after 4 p.m. at Lucky B's, 1510 Weiss. Patrons said they heard several shots coming from the parking lot.

"A friend jumped in the car and drove him to LBJ Hospital," said homicide Detective Daniel Snow. "He said, 'Take me to the hospital. I'm shot.' "

Witnesses saw a man run from the bar immediately after the shooting, but none could provide a solid description. The motive for the homicide, the city's 16th this year, was unknown late Monday.

Gallegos bill to target sex-offenders' residences

State Sen. Mario Gallegos says he will file a legislative bill aimed at preventing clusters of sex offenders like those in his east Houston district.

He said he was outraged by a Saturday Chronicle story pointing out 24 registered sex offenders, all but two of them convicted of offenses involving children, residing in about a one-square-mile area just east of downtown and south of Buffalo Bayou.

"I understand about rehabilitation and about probation and parole," Gallegos said Monday. "But I also understand I've got a community to represent."

Gallegos said he also will try to write legislation requiring state legislators and members of Congress, city councils and civic associations to be notified of where such offenders live in their districts.

Houston man sentenced in investment scam

A 71-year-old Houston man was sentenced Monday to five years in federal prison and ordered to pay \$3 million in restitution to the investors he defrauded.

James Went Young conned more than 100 people throughout the country from March to December 1998. Young promised the investors their money would go to overseas, short-term, high-yield trading programs that would result in short-term returns of 200 percent to 800 percent of the investment.

The money would be deposited into accounts controlled by Young and transferred at his discretion to other accounts. Young used the money to buy cars, a motor home, a ranch and a mortgage company.

Two drivers who died in crash Sunday ID'd

The two drivers who died in a head-on collision Sunday have been identified as Robert Turk, 41, and Jose Ortiz, 56.

Turk, of the 10600 block of Emnora, was dead at the scene at Clay and Eldridge Parkway in northwest Houston shortly before 6:30 p.m. Sunday. Ortiz, of the 1600 block of Grampin, died in Ben Taub Hospital.

Turk was eastbound on Clay when he apparently lost control of his van and drove onto the shoulder. Police said he likely overcorrected on the wet roadway and drove into the path of Ortiz's westbound car.

From staff and wire reports

Jan. 27, 2003, 11:54PM

Loan debt, burden hit worse now

Student liabilities triple over decade

By GREG WINTER
New York Times

Every so often, when the phones grow quiet and the copiers still, Margot E. Miles glances at the lawyers devouring cases around her and thinks: "I could do that. I would love to do that."

A smile overtakes her as she envisions life as a lawyer -- fighting injustice, changing the world -- until the prickly reminder of having \$25,000 in undergraduate loans wipes it away.

Dreams can wait. As for the need to quash her debt, she is not so sure.

"I go through this every day," said Miles, a legal secretary who graduated from the University of Pennsylvania five years ago. "I say to myself: 'One day I'm going to do something phenomenal with this phenomenal education. I have to.' But it's just so hard to imagine taking out any more loans."

In their trek through college and beyond, student borrowers now amass an average of \$27,600 in educational debt, almost three and a half times what they compiled a decade ago, according to a new survey by Nellie Mae, the student loan company.

And as college tuition has climbed, so has the number of students who borrow to help pay for it. Ten years ago, about 46 percent of graduating seniors had taken out educational loans in their undergraduate careers, according to the National Center for Education Statistics. By 2000, roughly 70 percent of them did.

The growing debt has begun to encroach upon other major purchases like homes and compels more than one in six borrowers, like Miles, to revamp their career goals to pay it off, the survey found. But perhaps most important, fewer students than ever say that taking out loans to attend college was worth it.

When Nellie Mae asked its borrowers a decade ago whether the benefits of their educational debt overshadowed the downside, nearly three-quarters gave a resounding "yes." Now, 59 percent say the positives outweighed the negatives, a warning sign that if debt levels continue to rise, students may start shying away from universities, or at least the more expensive ones.

"What's so worrisome is that for the first time, a lot of students are questioning whether they should have borrowed so much money," said Sandy Baum, an economics professor at Skidmore College who has conducted several such surveys over the last 15 years. "What will happen when people decide it's not worth it and won't go to college at all? We're not there yet, but we're really close."

The concern is grave enough that loan companies like Nellie Mae are urging students to borrow less, wherever possible, while some universities with big endowments are hurriedly increasing financial aid packages to keep educational debt to a minimum.

Still, for many students, loans have become an inescapable reality. Even after adjusting for inflation, the tuition and fees at private and public universities have more than doubled in the last 20 years, and though grants have increased as well, they have not nearly kept pace with the cost of higher education.

The outcome is that loans have essentially swapped places with grants on the seesaw of educational finance. As recently as 10 years ago, for example, loans accounted for a little more than 45 percent of all financial aid in the nation, according to the College Board. Today, they make up 54 percent, and few experts expect sudden changes in the equation.

For now, the scales still tip heavily toward higher education because college graduates can expect to earn \$1 million more during their careers than those with a high-school diploma in tow, the College Board says, and advanced degrees are worth even more.

Student default rates are also at historically low levels, down to 5.9 percent in the fiscal year 2000 from 22.4 percent in 1990, a trend the Department of Education attributes to aggressive enforcement by universities, private lenders and the federal government to track down delinquent borrowers and to get them to pay up.

Statistics suggest that family background plays a big role in determining how students respond to higher debt levels.

According to the Nellie Mae survey, 62 percent of low-income borrowers said they regretted taking out so much in loans, compared with about half of those from families that were too well-off to qualify for federal grants. Similarly, only 54 percent of low-income students said the debt ultimately paid off in terms of their career goals, while 63 percent of their wealthier counterparts said it did.

There are many plausible explanations for the differing perspectives, researchers say. Because low-income students are less able to turn to their parents to help pay off their loans, they feel the burden more acutely. Maybe they have had less exposure to mortgages, car loans and other types of consumer debt, making their loans seem even larger.

Whatever the reason, it is the first time in the survey's 15-year history that low-income borrowers have expressed greater worry about their loans than their counterparts, providing a glimpse at the disparate

impacts of rising debt.

"Beyond the concern that low-income students won't go to college, a bigger concern is that they will keep their debt down by working more hours during school," said Donald E. Heller, senior research association at the Center for the Study of Higher Education at Penn State University. "Working too many hours is one of the biggest factors in terms of not getting a degree."

"Indebtedness was becoming more and more of an issue," said William Wright-Swadel, director of career services at Harvard University. "We kept hearing, 'I'm going to go work in industry for a few years, then I will return to what I care about.' Frankly I'm not sure how many of them were able to make the return trip."

Jan. 27, 2003, 11:03PM

Former Dynegy trader charged in pricing case

Accusations of false data

By LAURA GOLDBERG

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A former senior trader at Dynegy has been indicted on federal charges of giving bogus data to an industry publication widely used to set natural gas prices.

As detailed in a federal indictment unsealed Monday, Michelle Marie Valencia, 32, was charged with three counts of false reporting under the Commodity Exchange Act as well as four counts of wire fraud. She pleaded not guilty.

The charges from U.S. Attorney Michael Shelby's office in Houston mark the second case of its kind, as his investigation continues into a variety of energy trading practices across the industry.

The indictment alleges that Valencia fabricated natural gas trades for submission to Inside FERC's Gas Market Report three times from November 2000 to February 2001.

Inside FERC's is one of several publications that collect trading data to compile indexes, which have been used as benchmarks to price billions of dollars in natural gas contracts.

Manipulation of indexes can skew the prices consumers ultimately pay for their natural gas or electricity.

Valencia, who was fired by Dynegy last month after working there about three years, was arrested at her Houston home Monday.

When appearing before U.S. Magistrate Judge Calvin Botley later that morning, her hands were handcuffed to a thick chain that wrapped around her waist. She posted 5 percent of a \$100,000 bond and was released. A trial was set for March.

Each false reporting charge is punishable by up to five years in prison and a maximum fine of \$500,000, while each wire fraud charge can result in up to five years in prison and a maximum fine of \$250,000.

Valencia's attorney, Chris Flood, said his client was the "victim of a political prosecution by the current administration trying to do something to rid itself of the stain they have from the energy industry."

Flood said Valencia didn't defraud the company or personally gain from supplying the data to the publication.

"If any of the trades were not true, and I'm not conceding one way or the other that they are, they didn't affect gas prices or consumers."

The indictment alleges that Valencia made up 43 natural gas trades said to have been done through "hubs" in the western United States, including those in California and New Mexico.

A series of energy investigations were kick-started by California's 2001-2002 energy crisis and the collapse of Enron Corp.

Early last month, prosecutors unsealed an indictment of Todd Geiger, a former El Paso Corp. vice president and natural gas trader. He is charged with one count of false reporting and one count of wire fraud and is alleged to have fabricated 48 trades and provided information about them to Inside FERC's. He's pleaded not guilty.

"False reporting" has been used in civil cases involving the manipulation of various markets, including agriculture and energy, said Stephen Obie, regional counsel with the Commodity Futures Trading Commission, which aided prosecutors on the Valencia case.

But the Geiger and Valencia cases are the first time the false reporting provision has been used as part of a criminal case, he said.

Additional criminal charges related to price indexes are expected. Three other companies have also disclosed that employees gave bad data to trade publications.

"Our markets are the bedrock of the U.S. economy," Shelby said Monday. "The market works only when there is a free flow of truthful information among its members, and we intend to hold criminally accountable any person who attempts to manipulate the market by knowingly disseminating false information."

Publications survey a variety of traders to create indexes. Up or down movement in index prices can boost profits traders make for their companies.

The Valencia indictment didn't include allegations detailing her motivation or charge that she benefited in any specific way.

In the Geiger case, it appears the allegedly fabricated trades weren't used in index calculations. In December, Platts, which publishes Inside FERC's, said that "an initial review" of its records indicated the data was considered and rejected.

In this case, a Platts spokesman wouldn't directly answer the question of whether Valencia's allegedly fictitious trades were used.

"The fact that data is received does not mean data is utilized in our publications of electricity and natural gas price indexes," said Platts spokesman Jim Keener. "Bad data in is not necessarily bad data out."

In a statement, Dynegy noted Valencia was one of seven employees fired after an internal investigation indicated bad data was supplied for indexes. Such actions violated company policy, Dynegy said.

Dynegy reached a \$5 million settlement with the futures commission last month, ending that agency's probe into its traders supplying false data to trade publications. Dynegy didn't admit or deny the findings in the commission's order.

The Commodity Futures Trading Commission said its probe found Dynegy traders submitted false information from at least January 2000 through June 2002.

Chronicle reporter Tom Fowler contributed this report.

Jan. 28, 2003, 12:23AM

Retailers try again with Echo

Internet music alliance to defend against piracy, big labels

Reuters News Service

NEW YORK -- Major U.S. music retailers Monday launched a service to deliver music via the Internet, a step they hope will save them from piracy that has raged on even after the demise of the Napster online song-swapping service.

The partnership, which comes as the music industry also battles growing pressure from discounters like Wal-Mart Stores, consists of Best Buy Co., Hastings Entertainment, Tower Records, Trans World Entertainment Corp., Virgin Entertainment Group and Wherehouse Entertainment.

The six retailers said in a statement that their venture, called Echo, will enable them to "effectively compete in the digital music marketplace."

But Bernstein analyst Colin McGranahan said he sees Los Angeles-based Echo as merely a step by the stores to band together as the direct music distribution model continues to evolve and music labels gain the upper hand.

In the past year, a number of major music labels have been seeking ways to distribute their content directly to the consumers in one attempt to steer clear of the retail downturn.

"This does not seem intuitively a slam dunk," said McGranahan. "Clearly there may be another story behind (this move). It could happen that the music labels are working on something that's leading music retailers to feel they need to get together to have some kind of a united voice."

Just last Tuesday, Wherehouse Entertainment filed for bankruptcy protection for a second time in less than 10 years. The Torrance, Calif.-based company, which along with its peers has been struggling to gain a foothold with consumers, said it will close 120 more stores.

The music industry's troubles also forced Best Buy, the top U.S. consumer electronics chain, to shut 107 of its Musicland stores earlier this month.

The retailers said they will each back Echo with in-store marketing. Each participant will independently market and price its digital entertainment offering.

Echo officials were not immediately available to provide details about whether the new venture would be subscription-based or how it would compare with Pressplay, an online music subscription joint venture backed by Vivendi Universal and Sony Corp.

Jan. 27, 2003, 10:31PM

Justices end a wireless limbo

NextWave will get its licenses back

Associated Press

WASHINGTON -- The Supreme Court ordered the government Monday to give back billions of dollars worth of unused wireless licenses to NextWave Telecom, a decision that could lead to better service and more options for cellular customers in many major American cities.

The slices of airwaves have been in limbo during a protracted fight between NextWave and an agency that confiscated the licenses and resold them at a huge profit after NextWave filed for bankruptcy protection.

The high court ruled that the Federal Communications Commission did not have the authority to take away licenses from the company while it reorganized. Now NextWave can finish building a network or sell the licenses.

Companies like AT&T Wireless, Cingular Wireless and Verizon Wireless may vie for the airwaves, analysts said.

FCC Chairman Michael Powell said the commission will move quickly to get the wireless spectrum into service. The court's decision, he said, cleared up confusion over what the government can do when it doesn't get paid for licenses.

Justice Antonin Scalia, writing for the court, said the commission could not justify intervening in the bankruptcy proceeding to take the licenses by claiming a regulatory motive.

Justice Stephen Breyer said in a solo dissent that the ruling makes it harder for the government to collect debts than private businesses like car dealers, appliance companies and home developers. Breyer said his colleagues were misinterpreting the bankruptcy law.

The Hawthorne, N.Y.-based NextWave bid \$4.7 billion for the frequencies in 1996 but didn't finish paying for them. The FCC then sold the licenses in 2001 to Verizon Wireless, VoiceStream Wireless and other companies at a second auction for nearly \$16 billion, at the height of the then-frenzied market. The companies were never allowed to use the spectrum because of the legal battle, and the FCC decided last year to let them cancel the licenses and get their money back.

Rebecca Arbogast, a telecommunications analyst for Legg Mason and former FCC lawyer, said companies should be able to get licenses cheaper from NextWave, in part because of the decline in the telecommunications industry.

Jan. 27, 2003, 11:13PM

Network worm is all but contained

Associated Press

NEW YORK -- A virus-like Internet worm that crippled tens of thousands of computers over the weekend caused limited network disruptions Monday as employees returned to work.

Though the worm had been largely contained by Saturday evening, security experts saw a slight increase in attacks Monday as the work days began in Asia and Europe.

The latest attacks, however, were nowhere near the intensity of Saturday's outbreak, which had congested the network for countless Internet users and even disabled Bank of America cash machines.

Meanwhile, officials said Monday that they still did not know its origins.

The worm, variously known as slammer or sapphire, took advantage of a vulnerability in some Microsoft Corp. software that was discovered in July.

Microsoft has made software updates available to patch the vulnerability in its SQL Server 2000 software, used mostly by businesses and governments, but many system administrators had yet to install them when the attack hit Saturday.

As the worm infected one computer, it was programmed to seek other victims by sending out thousands of probes a second, saturating many Internet data pipelines.

Unlike most viruses and worms, it spread directly through network connections and did not need e-mail as a carrier. Thus, only network administrators who run the servers, not end users, could generally do anything to remedy the situation.

Jan. 27, 2003, 11:14PM

5 Microsoft consumer suits tossed

Bloomberg Business News

BALTIMORE -- Microsoft Corp. won dismissal Monday of five consumer lawsuits claiming the world's largest software maker violated antitrust laws of Maryland, Kentucky, Oklahoma and Connecticut.

U.S. District Judge J. Frederick Motz in Baltimore, who is overseeing suits that claim Microsoft overcharged consumers for the Windows operating system, ruled the antitrust laws in those states did not allow consumers who didn't purchase software directly from Microsoft to press such claims. Most consumers purchased Windows from computer makers or retailers.

Separately, the Justice Department asked a federal judge in Washington who approved its antitrust settlement with Microsoft to appoint computer scientist Edward Stritter, a former Cisco Systems official, to a committee that will oversee the company's compliance with the terms of the settlement.

The Justice Department asked U.S. District Judge Colleen Kollar-Kotelly to name Stritter along with the other two panel members: Harry Saal, a software industry executive, and Franklin Fite Jr. a former Microsoft manager.

Jan. 27, 2003, 10:40PM

What's Online

By CAY DICKSON

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RADIO WORLD -- Traditional television and radio may not always be on your frequency. You might want more detail or to read stories that take a simple moment in someone's life and gently make it relevant to others. Stafanki, at www.stafanki.com, is a site that was created by Jean-Paul Gouett to satisfy his desire to have access to many good radio resources in one spot. There are also a few print items that tie in nicely with the site's content. Featured stories change regularly and range from a touching piece about a theme cruise featuring Munchkins from *The Wizard of Oz* to opinions from around the world on the escalating tension between the United States and Iraq. Your computer should have the required plug-in to listen to the streaming audio. This site is done well and offers an alternative to your everyday media options. Fans of NPR will really have a good time here.

MEDICAL FINDINGS -- Houston is home to some of the most well-respected medical institutions and schools in the world. Even though it is right here in your back yard, you may not have any idea what is going on at Baylor College of Medicine or how its research might affect your life someday. Findings, at www.bcmfindings.net, cast a spotlight on news about research, patient care and education at the school. Women who are eligible for hormone replacement therapy will find an article on the current debate about the treatment. Families dealing with a relative who has Alzheimer's can get some helpful information. There is an article on the Norwalk virus that has been creeping into Houston, along with suggestions on how to handle it. This is the premiere issue, but look for a wide selection of information that could help you get a handle on your health.

COUNTRY EXPLORERS -- In 1803, President Thomas Jefferson dispatched Meriwether Lewis and William Clark's Corps of Discovery to find a water route to the Pacific and explore the uncharted West. He did so believing that they would encounter woolly mammoths and erupting volcanoes. National Geographic's Lewis & Clark, at www.nationalgeographic.com/lewisandclark, is like watching every significant moment of this journey unfold. There are journals, photographs and drawings depicting what the two explorers experienced during the two years, four months and 10 days of their travels. Just imagine what it would be like to go from Houston to the Pacific Ocean without highways or air conditioning and not have any idea of what you would face. There are timelines, discoveries and information on what supplies they took. This is also a good educational tool for children, and there is a category for them to explore.

GEEK LICENSE -- How far will hard-core computer enthusiasts go to show their love of the machines and programs? Well, they can easily go around the world on the Internet, but in a more grounded

environment, they will go as far as they can drive their cars. The Internet License Plate Gallery, at webreference.com/outlook/license/gallery.html, offers a cluster of personalized license plates that have something to do with the Internet. There is a picture of the license plate, information on the registration of it and a brief description of the owner and the plate's history. One of the plates, PLTMTCH, is owned by a man who has a company that offers messaging, community and advertising for vehicle owners through their license plate numbers. There don't appear to be too many plates of that nature from Texas for some reason.

SCISSOR HANDS -- In the wonderful world of childlike simplicity, there exists a game called Rock, Paper, Scissors. Just in case you aren't familiar with it or haven't given it a moment's thought for a long time, The World RPS Society, at www.worldrps.com, is dedicated to the promotion of the sport as a fun and safe way to resolve disputes. You'll find information on Game Basics, Advanced RPS, Gambits and an online trainer to help you get in tip-top RPS shape. The brief history of the game includes the fact that what was then called the Scissors Paper Stone Club was founded in London in 1842. If you work with the trainer and practice your strategy, you might even consider playing in a tournament. Perhaps the world's diplomats should visit this site.

Cay Dickson is a Web developer in Houston. Her e-mail address is ocayd@ocay.com, and her Web site is www.ocay.com.

Jan. 27, 2003, 10:39PM

HOTLIST

Massage

By CAY DICKSON
Special to the Chronicle

HOW TO GIVE A FOOT MASSAGE -- www.medformation.com/mf/mm_qdis.nsf/qd/nd2553g.htm

Anyone who's ever had a good foot massage will tell you that it's the bee's knees. Put your feet in the hands of someone who wants to pamper you, and you'll be surprised at the power your tired dogs hold in their soles.

ILLUSTRATED GUIDE TO MUSCLES & CLINICAL MASSAGE THERAPY --
www.danke.com/Orthodoc/muscles.html

Got a pain in your neck, or find that your knee doesn't seem to support you as it has for so many years? See the connection between various muscles and pains, and where they are located in your body on this informal site.

THE ART OF MASSAGE -- www.aworldofgoodhealth.com/massageinfostart.htm

Three brief articles provide a nice overview of the benefits and types of massage. A third item explains what massage therapists should do.

EXPLORING MASSAGE -- www.gems4friends.com/massage.html#info

There are many types of massage techniques and each of them serves a particular purpose. The author describes numerous kinds of massages that she's had and offers useful tips for what to expect during and after your workover.

REFLEXOLOGY -- www.ofesite.com/health/reflex/reflex.htm

Your feet and hands are full of reflex points that affect every part of the body. Read about this type of massage, and look at the chart that shows which parts of the body are influenced by areas on your hands and feet.

SO YOU WANNA GIVE A MASSAGE -- www.soyouwanna.com/site/syws/massage/massage.html

With a wink to sensuous massage, this site gives you the step-by-step instructions on the art of a simple, relaxing massage. The fact that they refer to your recipient as your "victim" should calm your nerves if you're new at this sort of thing.

MASSAGE USERS GUIDE -- www.massageresource.com/educate.htm

Once you've oiled up with the beneficial information on this site, you'll be able to look your massage therapist square in the eye and tell him or her exactly what you want, how you want it, and where you want it. Then, you can relax.

MASSAGE THERAPY --

health.yahoo.com/health/alternative_medicine/alternative_therapies/Massage_Therapy

Massage can have many positive effects on your body when it is done the correct way. There is information on what those effects can be, who should consider massage and who should avoid it.

MASSAGE -- www.ivillage.com/topics/fitness/0,10707,165892,00.html

This site is targeted toward women, so it has a relaxing and nurturing feeling about it for starters. There is a heap of help for finding out almost everything you might want to know about massage.

AROMATHERAPY MASSAGE TECHNIQUES & INFORMATION --

www.fast.net.au/wwalker/massage.html

Here's your chance to absorb some knowledge on the use of essential oils in massage therapy. Included are recipes for the blend of oils for a desired effect.

Jan. 27, 2003, 11:16PM

A good day for homes, not stocks

Associated Press

WASHINGTON -- Home buyers took advantage of some of the lowest mortgage rates in decades and catapulted sales of previously owned homes in 2002 to the highest level on record.

The housing market thrived even as the American economy, knocked back by the 2001 recession, struggled all last year to regain a solid footing and suffered through uneven growth. The lure of low mortgage rates proved irresistible to many people, who opted to make big-ticket financial commitments despite the muddled economic environment.

Previously owned homes sold at an annual rate of 5.56 million in 2002, shattering the record of 5.30 million reached in 2001, the National Association of Realtors reported Monday.

"Housing remains one of the sole pillars of strength for the U.S. economy," said Lynn Reaser, chief economist at Bank of America Capital Management. "Consumers remain willing to undertake longer-term commitments in terms of purchases of both autos and homes," she said. While low mortgage rates have stoked home sales, free-financing and other incentives have buoyed car sales.

Sales of previously owned homes rose to a seasonally adjusted annual rate of 5.86 million last month, representing a 5.2 percent increase from November's level. The annualized rate reflects how many homes would sell if the same number of sales in a month continued for all 12 months.

The national median home price last year was \$158,300, up 7.1 percent from 2001. The median price is where half sell for more and half sell for less. The 7.1 percent increase was the largest annual increase since 1980, when the median sales price shot up by 11.7 percent.

But on Wall Street, fears about war with Iraq pummeled stocks. The Dow Jones industrial average lost 141.45 points to close at 7,989.56, the first time in three months that it closed below 8,000.

The broader market also pulled back sharply. The Nasdaq composite index fell 16.87, or 1.3 percent, to 1,325.27. The Standard & Poor's 500 index fell 13.92, or 1.6 percent, to 847.48, having fallen on Friday, as the Dow did, to levels last seen in October.

Declining issues outnumbered advancers more than 3-to-1 on the New York Stock Exchange. Consolidated volume was light at 1.79 billion shares, below Friday's 1.95 billion shares.

The Russell 2000 index, which tracks smaller company stocks, fell 6.48, or 1.7 percent, to 368.58.

The price of the benchmark 10-year Treasury note slipped point, or \$2.81 per \$1,000 in face value. Its yield, which moves in the opposite direction, rose to 3.96 percent from 3.93 percent Friday.

In New York, February gold closed \$1.00 higher at \$369.40 an ounce after reaching its highest level since November 1996.

The euro hit a new three-year high against the dollar Monday, breaking above \$1.09 in a rally that comes amid concerns over a possible war on Iraq.

By late in the New York trading day, however, the euro had eased back and changed hands at \$1.0852, up from \$1.0844 Friday.

The dollar was quoted at 118.51 yen, up from 117.69 yen late Friday. It rose to 10.9025 pesos from 10.8750. The peso fell to 9.1722 cents from 9.1954.

Mexico's stocks followed in U.S. footsteps Monday, closing lower on thin volume as concerns about possible armed conflict with Iraq continued to sap appetite for equities. The bolsa index closed down 89.23 points, or 1.5 percent, at 5,923.33 points.

Japan's Nikkei finished down 1.4 percent. In Europe, France's CAC-40 slid 3.6 percent, Britain's FTSE 100 dropped 3.4 percent and Germany's DAX index lost 2.7 percent.

Jan. 27, 2003, 11:12PM

Williams Energy doubles its profits

Pipeline buy good for quarter but will slow year's performance

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TULSA, Okla. -- Williams Energy Partners said Monday that fourth-quarter profits doubled after the acquisition of a 6,700-mile pipeline system in the Midwest from its parent, Williams Cos. Profit in 2003 will fall as costs rise, it said.

Net income increased to \$27.6 million, or 95 cents a unit, from \$13.8 million, or 42 cents, in the same quarter of 2001, when there were fewer units outstanding, the pipeline owner said in a written statement. Revenues rose to \$114.3 million from \$113.8 million.

Interest payments on the \$1 billion purchase of the Williams Pipe Line will increase costs in 2003, helping to reduce profits this year to \$3.25 a unit from \$3.67 in 2002, the company said. Williams Energy acquired the pipeline in April from Williams Cos., which owns about 55 percent of the partnership.

The Williams Pipe Line delivers refined petroleum products to 11 states in the Midwest.

The partnership will earn 65 cents to 70 cents a unit in the first quarter, Williams Energy said. That would be less than the 78 cents forecast by analysts, based on the average in a survey by Thomson First Call.

In other earnings reported Monday:

- American Express said fourth-quarter profits more than doubled on higher card spending and growth in the number of customers, but the financial services group is cautious about the economy.
- Meat producer Tyson Foods reported its earnings fell sharply in its first fiscal quarter, citing a slow economy, a meat oversupply and increased grain costs.
- Tissue and diaper maker Kimberly-Clark said fourth-quarter earnings rose despite a dip in sales, as the company benefited from cost-cutting steps that included closing some factories.
- Hilton Hotels said its fourth-quarter earnings beat Wall Street analysts' expectations by 1 cent, but it lowered its forecast for the current quarter.

- Freddie Mac, the No. 2 U.S. mortgage finance company, said quarterly earnings rose 25 percent on a record volume of home loans, spurred by a 36-year low in mortgage rates.
- Energizer Holdings, the No. 2 U.S. battery maker, said quarterly profit rose as lower expenses and a one-time gain offset sluggish sales.

Jan. 27, 2003, 11:14PM

Kazakhstan agrees on oil financing

ChevronTexaco consortium settles tax revenue dispute

By SABRINA TAVERNISE
New York Times

MOSCOW -- Kazakhstan has reached an agreement with an international consortium led by ChevronTexaco over the financing of a major oil field, ending a dispute that had embodied the clash of ambitions between foreign investors and post-Soviet oil states.

The dispute arose in November, when the Western companies in the consortium sought to finance a \$3.5 billion expansion of the Tengiz oil field in western Kazakhstan, the largest single oil development in the Caspian Sea basin, using the project's oil revenues. The Kazakhstan government protested, saying the plan would bite into its tax receipts. The consortium then shelved the expansion plan.

Months of talks produced a settlement that was first made public on Saturday, when the consortium said in a statement that it would "immediately lift the suspension and reactivate expansion."

ChevronTexaco Vice Chairman Peter Robertson said in a statement that the two sides had agreed on "a funding plan that would provide for the diverse financial needs of the partners."

The conflict reflected the growing confidence of the Kazakh state and its changing relationship with foreign investors. In the early days of independence, the government, still inexperienced in the ways of capitalism, bent over backward to attract foreign capital and expertise, signing contracts that Kazakh officials now say are too favorable to the oil companies.

A decade later, after foreign companies had invested more than \$10 billion in expanding and modernizing Kazakhstan's oil and gas industry, Kazakhstan feels that it is in a much stronger bargaining position. It now has an investment-grade credit rating, a seal of approval that even Russia has yet to achieve. And the time has come, officials say, for the country to begin claiming more of the fruits of development.

For their part, the Western oil companies said they saw no reason to rewrite contracts they had been relying on since 1993. The Tengiz consortium's contract provided for paying for expansion from oil revenue, the companies said.

The dispute raised questions about the treatment foreign investors could now expect in Kazakhstan, long regarded as the most investment-friendly post-Soviet state.

"It was the single incident that put a face on the problems in Kazakhstan's investment climate," said Laurent Ruseckas, a Caspian specialist at Cambridge Energy Research Associates in Paris. "At the end of the day, no one was willing to drive off a cliff. Everyone really wanted it solved."

Under the new agreement, the consortium will pay \$810 million to the Kazakh government, \$600 million of which is tax payments to be paid in installments through 2005. In addition, the consortium will take out a loan to finance the Kazakh government's share of the cost of the expansion, according to Kazmunaigaz, the Kazakh national oil company.

Jan. 27, 2003, 11:14PM

EU opposes U.S. plan on terrorism, cargo

New York Times

NIJMEGEN, Netherlands -- The European Union is taking legal action against four member countries for breaking ranks and signing up for a U.S. program meant to prevent the use of cargo containers by terrorists.

The program, called the Container Security Initiative, provides for American customs officers to be stationed in foreign ports and work side by side with local inspectors to screen containers bound for the United States for any weapons or hazardous materials that might be used by terrorist groups.

The European Union is moving against Germany, France, the Netherlands and Belgium, all of which reached agreements with the United States to take part in the program, and it is considering action against three more: Britain, Italy and Spain.

The union's complaint is that the deals effectively give cargo passing through participating ports preferential treatment, and that shippers will start to divert America-bound cargo to those ports from others in the European Union.

Under its rules, the union argues, individual members are not allowed to make such deals; the same trade preferences must apply to all 15 members and not be negotiated individually.

Jan. 27, 2003, 11:14PM

Port adds money for deal-making

By BILL HENSEL JR.

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The Port of Houston on Monday doubled its budget for marketing its expertise for consulting with foreign ports, from \$250,000 to around \$500,000.

The action to increase the funding for the Port of Houston Authority International Corp. was necessary to cover costs of soliciting and firming up business, port officials said.

The corporation has yet to realize any major business from a foreign port. But the corporation is "close to developing a client base," Port Authority Chairman Jim Edmonds said.

The port several months ago signed a memorandum of understanding with officials in Trinidad to work out some potential business deals.

Additionally, a contract in Ecuador is ongoing, and another business project in Latin America already has been completed, port officials said. Some potentially major contracts are pending in parts of Latin America and in Africa, they said.

The port's international corporation was formed last January as a result of the passage of state legislation that allowed its creation. The new corporation has just added an additional person, so three are working full time on international corporation business, according to port officials.

The estimated cost for operating the corporation for this year is about \$487,000, they said.

The increased funding is only for the 2003 year, according to terms of the proposal approved by port authority commissioners.

The port authority commission created the corporation and then an agreement between the two entities was entered into for the port to provide staff resources, supplies and funding.

Jan. 27, 2003, 11:15PM

Credit-rating agencies under SEC microscope

Associated Press

WASHINGTON -- Wall Street credit-rating agencies, among the players blamed by lawmakers for the massive accounting failure at Enron Corp., are being scrutinized by federal regulators for possibly stifling competition in their field.

The Securities and Exchange Commission has been investigating since last year the role of the credit raters and considering whether they should be more tightly regulated. Their grading of companies' creditworthiness is closely watched by the markets and can determine whether banks and other financial institutions invest in a company. Despite their power, the SEC allows them to largely police themselves.

The SEC informed Congress on Friday that it is examining possible anticompetitive practices in a field dominated by three big companies: Moody's Investors Service, Standard & Poor's and Fitch Ratings. The federal agency also said it is looking into possible conflicts of interest stemming from the raters being paid by companies whose debt securities they evaluate. The SEC said it plans to propose new rules regarding the credit raters after publishing a "concept release" in about 60 days.

In another new report to Congress, the SEC said it is considering hiring outside collection agencies to bring in more of the money owed by people and companies prosecuted by the agency.

The SEC also again asked Congress to allow it to go after the property of individuals who violate securities laws that normally is sheltered under bankruptcy laws. Florida, Iowa, Kansas, South Dakota and Texas have unlimited homestead exemptions that allow wealthy defendants to file for bankruptcy and keep their mansions out of the government's hands.

Lawmakers dissecting one of the biggest corporate failures in U.S. history have asked why the three agencies maintained high ratings for Houston-based Enron even as its stock plummeted in late 2001, up until four days before its bankruptcy filing on Dec. 2.

Jan. 27, 2003, 11:13PM

Sysco laps up another quarter of profits

Food service giant had earnings of \$185 million

By DAVID KAPLAN

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Sysco keeps rolling.

The Houston-based company posted its 107th consecutive quarter of growth in particularly impressive fashion.

Earnings for the second quarter were \$185 million, or 28 cents per share, on revenues of \$6.3 billion. That compared to earnings of \$159 million, or 24 cents per share, on revenues of \$5.6 billion in the same period last year.

The short explanation for the company's success is that food distribution is a good business to be in, and Sysco has been strengthening its position.

"Sysco has been one of the largest food distributors for quite a while, and they've been riding a positive trend," noted Chuck Gilmer, editor of the Shelby Report, a trade publication that follows the food and grocery industry.

People are eating out more and cooking less, Gilmer said, and "that's pumping up the food service industry."

Sales to independent food service operators rose and added to Sysco's market share gains.

"It's just a great industry," said Richard J. Schnieders, who became Sysco's chairman and CEO earlier this month. Americans and Canadians continue to eat out in increasing numbers, said Schnieders, who cited strong management and physical infrastructure as among the keys to Sysco's consistent growth.

Sysco, the largest food service distributor in North America, generated sales of \$24.7 billion last year. It serves almost every industry that prepares food outside the home.

The company has about 13 percent of the North American market, which means, Schnieders said, there is considerable room for growth.

Sysco continues to expand. During the last quarter the company acquired four food service operations, including Asian Foods, a company that serves Asian restaurants.

Jan. 27, 2003, 11:13PM

Dr Pepper/Seven Up giving designer dairy drinks a try

Associated Press

PLANO -- After a century of selling soda, the makers of Dr Pepper and 7 Up are trying a new tack in reaching young adults: milk.

The company plans to announce today that beginning in March, it will sell milk in flavors such as chocolate caramel and piña colada.

Company officials began developing flavored milk about 18 months ago and tested different recipes in focus groups. They hope to repeat the success of new soda flavors in the staid milk business.

"What we heard from consumers is that the milk category today is pretty boring," said Andrew Springate, director of brand marketing for Plano-based Dr Pepper/Seven Up.

The soda makers began tinkering -- with mixed results.

"We tried some flavors like apple cinnamon and things that were way far out, but people tend to gravitate close to chocolate," Springate said.

They settled on five flavors, from berry to chocolate, and named the new drink Raging Cow. It will be marketed to 18- to 24-year-olds at concerts, on college campuses and the Internet. It will be sold in the dairy section of stores and in vending machines, officials said.

The drinks, bottled by Jasper Products of Joplin, Mo., will be sold in 14-ounce plastic containers and carry a suggested retail price of \$1.49. The drinks can be stored at room temperature for 180 days, the company said.

The company said it plans to introduce the drinks in Texas and the Midwest in March and roll them out across the country by mid- to late-2004.

The main competition, Springate said, figures to be Hershey's -- sold under license by Dallas-based Dean Foods Co. -- and Nestle. But industry analysts said the field is growing more crowded because other beverage companies are raiding the dairy section.

"The dairy business is still very much untapped by the major beverage companies, but as big beverage companies seek areas for growth, dairy will be one of those areas," said John Sicher, editor and publisher of Beverage Digest, an industry trade publication.

Sicher said beverage companies such as Coca-Cola Co. and PepsiCo are much more skilled at packaging and marketing than the dairy companies that introduced chocolate- and strawberry-flavored milk years ago.

Last year, Coca-Cola introduced Nestle's Choglit and Planet Java drinks with coffee and milk, and PepsiCo sells Frappuccino coffee and milk drinks in a joint venture with Starbucks.

This month, Dean Foods said it was nearing regulatory approval to sell Folgers Jakada iced coffees and nonrefrigerated Hershey's flavored milk and shakes using technology from Europe.

One of the oldest chocolate drinks still on the market is Yoo-hoo, which dates to the 1920s and is owned by the Snapple Beverage Group. Snapple and Dr Pepper/Seven Up are both owned by British-based candy and beverage giant Cadbury Schweppes.

Jan. 27, 2003, 11:13PM

National union taking a look at Imperial Sugar seniority

By L.M. SIXEL

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The president of the machinists union has promised to investigate an internal squabble at the Imperial Sugar plant in Sugar Land.

Thomas Buffenbarger, International Association of Machinists and Aerospace Workers president, said he was contacted Friday by machinist Walter "Sam" Damron, who asked him to intervene.

Damron is trying to force local union leaders to present the company's latest contract modification to a vote, but the leadership has refused.

Imperial Sugar is shutting down its refinery operations but plans to retain its packaging and distribution operations, hanging on to between 105 and 112 workers.

As part of the downsizing, the company wants to amend its current labor agreement concerning severance, seniority and pay rates.

Despite Damron's request for a vote, local union officials contend there is nothing to vote on because the current contract doesn't expire until October. And until then, seniority rules govern a layoff.

More than half of the union members, 166 out of 297, have signed a petition asking for union leaders to bring the company's proposal to a vote.

The proposal would permit the company to chose its employees instead of going by a seniority system as well as changing some pay rates and severance.

Buffenbarger, who has asked union officers in Dallas to investigate the situation, said the union's obligation is to look out for all the workers.

But it was the members themselves who created the contract they work under, he said.

And those rules can't be changed suddenly when one group is unhappy.

Duffy Smith, executive vice president of Imperial Sugar, said he'd like to see the workers get a chance to vote on the company's offer.

And he said that even on the company's list of employees it would like to retain, 70 percent have the most seniority in the plant.

Jan. 28, 2003, 12:01AM

Briefs: Houston and state

Enterprise to buy out natural gas terminal

Enterprise Products Partners has agreed to buy the remaining 50 percent interest in the EPIK natural gas liquid export terminal on the Houston Ship Channel, for \$19 million, from Idemitsu LPG USA. This will give it 100 percent ownership.

Enterprise designed and built the terminal in 1999, and has been both its commercial and physical operator since inception. The terminal has the capacity to load refrigerated propane and butane at rates of up to 5,000 barrels per hour and is connected through Enterprise-owned pipelines to the company's fractionating and storage complex in Mont Belvieu.

Wind farm in the air north of Lawton, Okla.

Zilkha Renewable Energy of Houston and Kirmart Corp. of Wichita Falls plan to build the first commercial wind farm in Oklahoma, composed of 39 turbines north of Lawton.

The Blue Canyon project would produce 64 megawatts, equal to the amount of electricity used by 20,000 homes in Oklahoma, and begin operation before the end of this year.

The Western Farmers Electric Cooperative, a co-op based in Anadarko, Okla., has agreed to purchase the power for 20 years. It would go to 19 rural electric cooperatives. Zilkha Renewable Energy is a family-owned company that in 2001 built 104 megawatts of wind farm capacity in Pennsylvania and Iowa.

SEC looks at books of i2 Technologies

DALLAS -- I2 Technologies on Monday said the Securities and Exchange Commission has begun an investigation into possible accounting improprieties at the software company.

The Dallas company also said it hired Deloitte & Touche to re-audit its financial statements for 2000 and 2001. Arthur Andersen, which has wound down its operations in the wake of the Enron Corp. scandal, was i2's auditor until May 2002.

The news sent i2's shares tumbling 34 cents, or 27 percent, to close at 92 cents on the Nasdaq Stock Market.

I2 warned that Deloitte's review could result in material adjustments to past periods and SEC staffers had recently opened an "informal inquiry" into the matter.

Jan. 28, 2003, 12:02AM

Briefs: Nation and world

6-month Treasuries bottom out again

WASHINGTON -- Interest rates on short-term Treasury securities fell in Monday's auction, with rates on six-month bills dropping to their lowest level on record.

The Treasury Department sold \$18 billion in three-month bills at a discount rate of 1.140 percent, down from 1.160 percent last week. An additional \$16 billion was sold in six-month bills at a rate of 1.160 percent, down from 1.190 percent.

The Federal Reserve said the average yield for one-year constant maturity Treasury bills dipped to 1.32 percent last week from 1.38 percent.

Crude oil futures fall nearly a dollar

NEW YORK --Crude oil futures fell sharply Monday, weighed down by calls for continued inspections of Iraq and signs of a breakdown in the strike in Venezuela.

On the New York Mercantile Exchange, nearby March crude oil dropped 99 cents to close at \$32.29 a barrel.

February heating oil shed 1.59 cent to 93.43 cents a gallon, while February gasoline was off 2.10 cents at 90.15 cents a gallon.

In London, March Brent crude fell 63 cents to close at \$29.86 a barrel.

Natural gas futures fell amid forecasts that temperatures in much of the Midwest and East will rise above normal in the second half of this week. Gas for February delivery fell 12.8 cents, or 2.3 percent, to \$5.396 per thousand cubic feet.

Sunbeam, Andersen exes settle charges

BOCA RATON, Fla. -- Two former Sunbeam Corp. executives and a former Arthur Andersen partner agreed to settle civil charges brought against them by the Securities and Exchange Commission for their roles in an accounting scandal that helped push the company into bankruptcy.

The deal announced Monday marks the end of civil litigation by the SEC against those it held responsible for a scheme during 1996 and 1997, during the tenure of former Chairman "Chainsaw" Al Dunlap that masked the company's financial problems. Dunlap agreed earlier to pay \$500,000 to settle accounting fraud charges.

Ex-controller Robert J. Gluck and Donald R. Uzzi, former vice president of sales, agreed to pay \$100,000 each. Former Andersen official Phillip E. Harlow was barred from accounting with public companies for three years.

In other news:

- **Philip Morris Cos.**, which gets about 60 percent of its profit from tobacco, on Monday officially changed its name to **Altria Group**, a move critics said was made to put distance between itself and the cigarette business. Plans for the name change were announced in 2001. **Philip Morris USA and Philip Morris International** will keep their names.

- Two drug companies have agreed to pay \$80 million to settle allegations they conspired to keep a cheaper, generic version of a blood pressure medication, Cardizem CD, off the market. Under the settlement, **Aventis Pharmaceuticals** and **Andrx** will pay the amount to states, insurance companies and consumers nationwide.

- Two publishers accused of colluding to eliminate competition for their free weekly newspapers in Los Angeles and Cleveland have agreed to a settlement to end a federal antitrust probe and a parallel California lawsuit. **Village Voice Media** and **New Times Media** agreed to auction the assets of the now-defunct newspapers they sold to each other last fall and to pay fines of \$375,000 each. New Times owns the Houston Press.

Bloomberg News, Reuters, the Associated Press and Chronicle staff contribute to this report.

Jan. 28, 2003, 12:26AM

Cornyn picked to chair Judiciary subcommittee

By JULIE MASON

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WASHINGTON -- In an unusual appointment for a freshman member, Sen. John Cornyn of Texas is taking over the chairmanship of a subcommittee of the Senate Judiciary Committee.

Cornyn, a Republican, will lead a subcommittee on the Constitution, with jurisdiction over proposed constitutional amendments, federalism, civil rights enforcement and other issues.

"I am looking forward to identifying areas that we need to focus on," Cornyn said Monday.

In addition to advancing an amendment banning desecration of the flag, Cornyn said he hopes the panel can serve as a watchdog over the nation's homeland security efforts and protection of civil liberties.

Many civil libertarians, including liberals and conservatives, have criticized what they view as an erosion of personal freedoms after the 2001 terrorist attacks.

Cornyn, who addressed the subject often during his campaign, said he does not necessarily agree with all critics, but he believes it's important to remain vigilant.

"I don't think it's fair to characterize the Bush administration as being antifreedom," Cornyn said. "If anything, the White House has shown a lot of concern for striking the proper balance."

Cornyn, a new member of the Senate Judiciary Committee, was appointed to chair the subcommittee by committee Chairman Sen. Orrin Hatch, a Utah Republican.

While much of a subcommittee's work can be arcane and at times obscure, an active agenda can elevate a chairman's profile in Washington, and such appointments are generally sought after.

Cornyn, a close ally of President Bush, said he wished he could attribute the appointment to "great legislative skills and charm," but believes it is owing largely to his legal background as a former Texas



AP

Sen. John Cornyn

attorney general and state Supreme Court justice.

Cornyn replaces former subcommittee Chairman Sen. Russell Feingold, a Wisconsin Democrat who lost the top spot when the GOP took over the Senate. The panel's former ranking Republican was Sen. Strom Thurmond of South Carolina.

Jan. 27, 2003, 7:56PM

Supreme Court won't reopen debate on executions

4 justices sought death penalty ban for young killers

By ANNE GEARAN
Associated Press

WASHINGTON -- Four Supreme Court justices want to ban the execution of young killers, but they apparently cannot persuade their colleagues to reopen the debate.

The high court did not comment in turning down an appeal Monday from an Oklahoma death row inmate who was 17 when he helped burn a young couple alive in the trunk of their car.

Death penalty opponents had hoped the court would use the case to broaden an ongoing review of how the punishment is carried out and who belongs on death row.

The four-member liberal wing of the court knows the time is not right to revisit the question of whether 16- and 17-year-olds are as culpable as adult killers. They also know they could be outvoted if the nine-member court took on the issue now, lawyers said.

"We're not there yet," said Steven Hawkins, executive director of the National Coalition to Abolish the Death Penalty. For now, he said, "There is not a fifth vote for change."

In October, the four issued an unusual statement calling it "shameful" to execute juvenile killers.

"The practice of executing such offenders is a relic of the past and is inconsistent with evolving standards of decency in a civilized society," Justice John Paul Stevens wrote then. He was joined by Justices David H. Souter, Ruth Bader Ginsburg and Stephen Breyer.

The rhetoric echoed the court's ruling last year that it is unconstitutional to execute the mentally retarded. In both instances, the constitutional question turns on the defendants' ability to understand their situation, as well as their level of culpability.

The court's 6-3 ruling excluding the retarded from the death penalty relied heavily on the premise that public attitudes had changed on the subject in the 13 years since the court had last upheld such executions.

In 1989, two states that used capital punishment outlawed the practice for retarded defendants. In 2002, 18 states prohibited it.

The shift was apparently enough to win the votes of swing voters Sandra Day O'Connor and Anthony M. Kennedy, who joined Stevens and the other three.

Death penalty opponents say they need the same kind of momentum among state legislatures on the question of young killers and said the high court will get involved when more states outlaw the death penalty for those under 18.

Of the 38 states that allow the death penalty, 16 prohibit it for those who were younger than 18 when they committed their crimes. The federal government also bans capital punishment for juveniles prosecuted in federal court.

Jan. 27, 2003, 10:43PM

Panel advises limited use of CRP heart-disease test

By TODD ACKERMAN

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A panel of experts recommends limited use of a test that measures inflammation in the blood, a newly discovered cause and predictor of heart disease.

The test, known as C-reactive protein, or CRP, should be used, the panel said, only when physicians are undecided on treatment for patients at intermediate heart attack risk -- those considered to have a 10 percent to 20 percent risk of heart attack in the next 10 years, based on such factors as cholesterol and blood pressure levels.

"For most patients, the emphasis must remain on detection, treatment and control of the major risk factors, such as high blood pressure, high cholesterol, cigarette smoking and diabetes," said Dr. George Mensah of the University of Rochester in New York, the panel's co-chair.

Among the subgroup, "a CRP test might tip the scale to help a physician decide on moderate or more intensive treatment," added cochair Dr. Thomas Pearson of the federal Centers for Disease Control and Prevention.

The recommendations, drawn up by the American Heart Association and the CDC and reported in today's edition of the AHA journal *Circulation*, are the first to formally propose a role for inflammation testing.

Several studies in recent years, including one at the University of Texas Medical School at Houston, have demonstrated that large concentrations of CRP are associated with increased risk for coronary heart disease.

Pearson said CRP has been so widely publicized in the last two years, there has been skyrocketing public demand for the test. There is no need for "screening of the entire adult population as a public health measure," the panel emphasized, and it is not as "diagnostically important" as cholesterol or blood pressure testing.

Nevertheless, the category of patients the panel says might benefit from the inexpensive blood test encompasses an estimated 40 percent of U.S. adults.

Dr. James Willerson, president of the UT Houston Health Science Center, said the panel's recommendation will significantly increase the number of doctors who use the test.

"This is a good first step," said Willerson, who joined with colleague Edward Yeh to publish an article on CRP in the same edition of the journal. "Despite the publicity, this is still an underutilized tool that provides greater insight in the right people of the risks they have for vascular events."

CRP, a chemical necessary for fighting injury and infection, is made in the liver in response to inflammation somewhere in the body. While high cholesterol causes fatty buildups in the blood vessels, heart attacks are triggered when inflammation causes the deposits to break off and clog an artery.

CRP can be lowered by the same strategies that decrease cholesterol -- exercising, weight loss, stopping smoking and statin drugs. The first new blood test accepted for assessing heart disease risk since cholesterol screening became common 30 years ago, it costs a few dollars to perform, and labs and hospitals charge \$10 to \$120.

The guidelines recommend against testing people at very low risk, since they likely wouldn't be put on heart treatment even if inflammation were found, and those already diagnosed with heart disease, since they should already be getting all standard treatments.

The average CRP reading in this country is 1.5. The risk is dramatically higher when the levels hit 3, studies show.

Another study in today's *Circulation* suggests CRP levels may also help predict heart attack risk in women with metabolic syndrome, a condition linked to obesity, impaired metabolism of blood sugar, high blood pressure and high levels of blood fats.

Women with the syndrome and CRP levels 3 or higher are twice as likely to have a cardiovascular event than those with CRP levels of 1, the study showed.

Jan. 27, 2003, 10:43PM

Airlines have new weigh to fly

FAA wants passenger poundage checked on smaller planes

By LESLIE MILLER
Associated Press

WASHINGTON -- Airlines will begin checking this weekend to find out how much some passengers weigh before they can board 10- to 19-seat planes.

The Federal Aviation Administration ordered the weigh-ins Monday to determine whether current weight estimates are accurate. It's a question of safety for smaller planes, and passengers who refuse to go along could be barred from a flight.

The FAA also issued an order requiring inspections of elevators on all Beech 1900 series planes. The elevator is a flap on the tail that moves up and down and causes the plane to climb or dive.

Investigators are looking at weight and elevator malfunction as possible contributing causes of the Jan. 8 crash of a 19-seat Beech 1900 turboprop in Charlotte, N.C. All 21 people aboard died.

Debby McElroy, president of the Regional Airlines Association, which is working with the FAA, said airlines are being asked to weigh passengers and bags over three days within the next month at about a third of the airports used by aircraft carrying 10 to 19 passengers.

The survey will affect passengers on about 200 Jetstream 31s, Metro 23s and Beech 1900s, McElroy said.

All bags will be weighed, but the FAA is letting the airlines decide whether they'll require passengers to step on scales or simply ask them how much they weigh.

The agency will allow airlines to add 10 pounds to each passenger because some people may underestimate their weight.

Passengers who refuse to divulge their weight can be barred from the flight, the FAA said.

The FAA lets airlines estimate that an adult passenger flying in winter averages 185 pounds, including clothing and carry-ons, said Lou Cusimano, FAA's deputy director of flight standards service. The same

passenger is calculated at 180 pounds during summer travel.

Children ages 2 to 12 are estimated to weigh 80 pounds in winter and summer, he said, and each checked bag is calculated to weigh an average of 25 pounds for a domestic flight and 30 pounds for international travel.

Some believe those estimates may be too low because Americans and their carry-on bags have gotten larger, and checked bags often weigh more than 25 pounds.

Adult men averaged 180.7 pounds in 1994, the most recent year in which statistics from the Centers for Disease Control and Prevention are available.

Cusimano said the FAA still believes the weight estimates are valid but wants to check to be sure.

David Stempler, president of the Air Travelers Association, thinks the agency will find the estimates are way too low.

"People go out with these roll bags that weigh 40 to 50 pounds," he said.

The maximum takeoff weight for the Beech 1900 that crashed in Charlotte is just over 17,000 pounds. The National Transportation Safety Board said the plane's documentation shows it was within 100 pounds of that weight.

Investigators also are looking at weight distribution, which is just as important as total weight because it affects an aircraft's center of gravity. Too many bags in the rear compartment or a few large people in the back could change a small plane's center of gravity and make it more much difficult to fly.

For that reason, FAA inspectors are checking each 10- to 19-seat plane to make sure bags are properly restrained so they don't shift during flight.

The elevator inspections must be completed by Friday and will affect 368 planes in the United States, said Ron Wojner, deputy director of FAA's aircraft certification service. There are 688 Beech 1900s in operation worldwide, he said.

Wojner stressed nothing that turned up during the investigation of the Charlotte crash indicates the planes are dangerous.

"These aircraft are safe," he said. "We've had 20 years of safe operation."

Jan. 27, 2003, 10:10PM

Oakland ravaged again in post-Super Bowl riot

Associated Press

OAKLAND, Calif. -- Police used rubber bullets and tear gas to disperse rioters who smashed windows and set cars on fire after the Raiders' Super Bowl defeat.

At least 80 people were arrested Sunday night, mostly for public drunkenness and throwing rocks and bottles at police and obstructing officers, authorities said. Police said they are reviewing videotapes of the violence to try to identify some of those who escaped arrest.

Police had assigned hundreds of extra officers to work Sunday. But trouble broke out after the 48-21 loss to Tampa Bay.

About 10 vehicles were set on fire, and crowds broke the windows of at least one television news van, police said. One group of young men set debris on fire in the middle of a street and then posed for news photographers. Rioters broke nearly every window at a McDonald's restaurant, which was also set on fire.

Three firefighters were treated for minor injuries after rioters threw bottles and rocks at them, Battalion Chief James Williams said. Fire trucks and other equipment had cracked windshields, dents and other damage, he said.

It was the second straight week that violence happened after a Raiders game. The previous week, after the team advanced to the Super Bowl, crowds set fires, broke windows and threw rocks and bottles along International Boulevard, the same area hit after the championship game.

Jan. 27, 2003, 10:42PM

Doctors skip work in Florida, Mississippi

Associated Press

WEST PALM BEACH, Fla. -- More than 800 doctors in Florida and a dozen more in Mississippi stayed off the job Monday to protest rising malpractice insurance costs.

Organizers of the protest in the Palm Beach County area said the doctors were staying off the job to attend a two-day conference looking at the problem.

Palm Beach hospitals prepared for the absence by adding to their emergency room staffs and rescheduling elective surgeries. No immediate problems were reported.

"We want the patients to understand that there's a major crisis and something has to be done soon," said Dr. Stephen Babic, a Delray Beach cardiologist.

Complaints about higher insurance rates, driven in part by big jury awards for malpractice, are being heard from doctors around the country.

In Mississippi, a dozen surgeons took leaves of absence Monday from four Gulf Coast hospitals -- Memorial Hospital, Garden Park Medical Center, Gulf Coast Medical Center and Hancock Medical Center.

Gulfport and Harrison County earlier declared a state of emergency, clearing the way for ambulances to take patients to hospitals in Louisiana or Alabama.

Jan. 27, 2003, 10:08PM

Health roundup

Associated Press

Sleep linked to heart disease

CHICAGO -- Too little sleep -- or too much -- may raise the risk of developing heart disease, according to a study of nearly 72,000 nurses.

Women who averaged five hours or less of sleep a night were 39 percent more likely to develop heart disease than women who got eight hours. Those sleeping six hours a night had an 18 percent higher risk of developing blocked arteries than the eight-hour sleepers.

And nine or more hours of shuteye was associated with a 37 percent higher risk of heart disease. Researchers could not explain that finding but suggested those women might have slept more because of underlying illnesses.

"People should start thinking of adequate sleep not as a luxury but more as a component of a healthy lifestyle," said Dr. Najib Ayas, a sleep disorders specialist who was at Harvard-affiliated Brigham and Women's Hospital in Boston when he led the study.

The researchers suggested that getting enough sleep may be nearly as important to heart health as eating right and exercising. And they pointed out a recent poll that found that about one in three Americans has long-term sleep deprivation.

The study was published in Monday's Archives of Internal Medicine.

The researchers could not say for certain whether the findings apply to men, too. But other research strongly suggests so.

The researchers were from the Harvard School of Public Health and Harvard Medical School, both in Boston.

Transplant patient gets life-threatening allergy

CHICAGO -- A 60-year-old man who received a liver transplant got a life-threatening nut allergy from the new organ, Australian doctors said.

The organ had come from a 15-year-old boy who died of an allergic reaction to peanuts, the doctors reported in Monday's Archives of Internal Medicine.

Dr. Tri Giang Phan, an immunology specialist at Sydney's Royal Prince Alfred Hospital who was involved in the case, said such cases may be rare, but organ donors should be screened for allergies and transplant patients should be warned to take precautions. Nut allergies affect an estimated 3 million Americans.

New scan could help in treatment of MS

WASHINGTON -- It's one of the biggest frustrations in treating multiple sclerosis: Someone with debilitating symptoms can have an MRI scan of the brain that, inexplicably, shows only a tiny spot of damage.

Duke neuroradiology chief Dr. James Provenzale discovered that the spot is the tip of the iceberg, finding that MS patients actually can have 2 1/2 times more damage there than the regular MRI detected -- plus more abnormalities lurking elsewhere.

A new scan that adds just 10 minutes to a standard MRI uncovered the trouble, tracking damage building deep in the brain by measuring how water flows through nerve fibers.

Testing of the new scans is in early stages, but the government-invented technology could lead to earlier diagnosis and better treatment of MS -- as well as improvements in other brain diseases from schizophrenia to cancerous tumors.

The disease afflicts 350,000 Americans.

Dietary supplement use prevalent in the elderly

WASHINGTON -- More than half of the elderly may take dietary supplements regularly, according to recent surveys, and health professionals say much of that use is based on spotty evidence about the benefits of particular supplements for seniors.

With a welter of supplements on the market, including a surge in availability of herbal products such as echinacea and ginkgo biloba, specialists say there is an urgent need for more data on supplement use and how it may affect health and longevity in older people.

According to one survey, more than 40 percent of men and 50 percent of women aged 60 and above reported using at least one vitamin or mineral supplement.

Health professionals spoke at a recent conference on dietary supplements and the elderly at the National

Institutes of Health in Bethesda, Md.

Jan. 27, 2003, 10:10PM

National briefs

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Soldier injured by mine dies from head wounds

SAN JUAN, Puerto Rico -- A U.S. soldier who suffered a head injury in a land mine explosion has died after being taken off of life support.

Capt. Adam Kocheran, 31, of Columbus, Ohio, was one of three Special Forces troops injured by the mine blast Thursday during training exercises.

The two other soldiers -- Sgt. 1st Class Amil Alvarez, 32, of Santurce, Puerto Rico, and Chief Warrant Officer Christopher Brautigam, 35, of Burlingame, Calif. -- were treated at hospitals for shrapnel wounds and released.

Police insist 5 convicts were guilty in park rape

NEW YORK -- The Police Department insisted Monday that the five young men whose rape convictions were thrown out in the Central Park jogger case were probably guilty and that their confessions were not coerced.

Six weeks ago, the men's convictions were thrown out at the district attorney's request after serial rapist Matias Reyes came forward and confessed to the 1989 rape and near-fatal beating. DNA also connected him to the crime.

Raymond Santana, Antron McCray, Kevin Richardson, Yusef Salaam and Kharey Wise were 14 to 16 at the time of the crime; they are now 28 to 30 and have all completed prison sentences.

Last of 7 sentenced in plot to steal \$12 million

CHICAGO -- The last of seven people convicted in a scheme to steal \$12 million from the town of Cicero through a bogus insurance company was sentenced to 12 years and seven months in federal prison.

U.S. District Judge John Grady also ordered John LaGiglio, 52, to pay \$8.3 million in restitution and serve five years under supervised release.

Episode of *Sopranos* copied in mom's slaying

LOS ANGELES -- Two brothers who allegedly killed their mother, then cut off her head and hands and dumped the body in a forest, were copying an episode of the cable television series *The Sopranos*, police said Monday.

Jason Bautista, 20, a college student, and his 15-year-old brother were arrested after police found Jane Marie Bautista's severed head and hands stashed in their home, Orange County Sheriff Mike Carona said.

Jan. 27, 2003, 11:26PM

Anti-American rage fires Mideast

U.S. plans for war on Iraq denounced in Arab world

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BEIRUT, Lebanon -- Thousands of Arabs burned American flags and effigies of President Bush in protests held in front of U.N. and U.S. missions in several Middle East nations Monday to denounce U.S. plans to wage war on Iraq.

Yemeni security officials said tens of thousands of protesters converged on the capital, San`a, while smaller protests -- varying from 100 people to several thousand -- were staged in Lebanon, Egypt, Syria, Sudan and Bahrain.

In Baghdad, Iraq's foreign minister said Monday his government has provided "super cooperation" to U.N. weapons inspectors and has done "everything possible" to prevent a war with the United States.

Speaking shortly before the two chief weapons inspectors delivered a progress report to the U.N. Security Council, Foreign Minister Naji Sabri dismissed criticism of Iraq's compliance as "splitting hairs" and said the onus of averting a conflict is on the Bush administration. "The ball is in their court," Sabri said at a news conference. "We have done everything possible to let this country and the whole region avoid the danger and the threat of war and destruction by the warmongers of Washington."

In his report, Chief weapons inspector Hans Blix said Baghdad did not appear to have genuinely accepted the need to disarm and was not fully cooperating with inspectors.

The United States and Britain have threatened to attack Iraq if it does not dispose of banned weapons programs, which Baghdad denies it possesses. Russia, France and Germany are against any unilateral strike on Iraq, and opposition to war is high in the Arab world.

Yemen's Parliament speaker and head of the Islamic Reform Party, Abdallah al-Ahmar, denounced U.S.-British policies toward Iraq, describing their threats of war as "immoral," in a speech to protesters.

"The Zionist American and British war is because of oil, it is oil that makes those vampires salivate," he said.

The protesters, many chanting "Death to America! Death to Israel," headed to the United Nations' office

in San`a where they delivered a petition requesting "the stopping of the American and British aggression on Iraq."

In Khartoum, 10,000 Sudanese protesters were stopped by police from marching on the American Embassy. "Long live the people of Iraq. Down, down USA," protesters chanted as some burned an effigy of Bush.

More than 2,000 Lebanese protesters staged a sit-in outside the U.S. Embassy in Beirut, holding Saddam's pictures and shouting, "With blood and soul we redeem you Saddam." Protester Sobhi Yaghi denounced "America's aggressive policy and hegemony in the region."

Anti-U.S. sentiment has been rife throughout the Arab world for more than two years because of Washington's perceived support for Israel in its conflict with the Palestinians. Tensions have increased following America's standoff with Iraq.

In Syria, several thousand protesters marched to U.N. offices on the outskirts of Damascus, where the crowd of mainly Arab students and Syrians from the ruling Baath Party's youth wing shouted, "We will sacrifice our souls and our blood for Iraq."

On the tiny Gulf island of Bahrain, home to a U.S. naval base that could play a major role in any war on Iraq, some 100 mostly student demonstrators released white pigeons and balloons into the air at an antiwar rally.

"We want to tell America and the world that we want peace ... and to spare the poor Iraqi people," 24-year-old student Lamya al-Shuwaik said at the rally outside U.N. offices in Bahrain's capital, Manama.

About 100 people protested in Cairo outside a U.N. office.

At his news conference, Sabri accused the Bush administration and Prime Minister Tony Blair of Britain of "escalating the situation" and increasing the chances of a war. "It's inevitable for warmongers, for those who cannot find themselves without exporting destruction and death."

Jan. 28, 2003, 1:48AM

Coalition soldiers battle Afghan rebel forces

Associated Press

BAGRAM, Afghanistan -- U.S. and coalition forces are fighting a pitched battle against a group of 80 rebel forces aligned to renegade leader Gulbuddin Hekmatyar in the largest-scale fighting since Operation Anaconda nine months ago, the U.S. military said today.

At least 18 rebel fighters were killed, and there were no coalition casualties, the military said.

"It's the largest concentration of enemy forces we've come across since Operation Anaconda," U.S. military spokesman Roger King said from Bagram Air Base, a reference to fighting in March in eastern Afghanistan that involved the largest number of American ground troops in the Afghan war.

"We've had reports of various numbers of armed men, groups of people trying to gather in order to carry out attacks on the coalition," King said. "We've been actively engaged in trying to develop intelligence that would lead us to a precise location and yesterday (Monday) we did."

American war planes attacked enemy positions, some entrenched in deep caves, with B-1 bombers, F-16s and AC-130 gunships, King said. He would not say whether any American ground troops were involved in the battle.

The fighting in mountains in southeastern Afghanistan -- about 15 miles north of Spinboldak and near the border with Pakistan -- was triggered by a small shootout nearby between U.S. special forces and armed attackers as the Americans and their Afghan government allies were working to clear a compound.

One of the attackers was killed, one injured and one detained, King said. He said that the detained suspect said under questioning that a large group of armed men had massed in the mountain area.

King said the military sent Apache helicopters to investigate, and they came under small arms fire. He said 82nd Airborne Division forces responded with a quick-reaction contingent of fighter aircraft that are continuing to pound the remote region with 500-pound and 2,000-pound bombs.

"Our intelligence leads us to believe that they are most closely aligned with the Hezb-e-Islami movement, which is Hekmatyar's military arm," King said. "We've had reports over several months that he's been attempting to consolidate with remnants of al-Qaida and Taliban."

Hekmatyar was a key guerrilla commander during the 1980s Soviet war in Afghanistan. In the civil war that paved the way for the Taliban takeover, Hekmatyar's men pounded the capital of Kabul with daily rocket barrages. He lived in exile in Iran during the five years of the Taliban rule, and returned after U.S.-led forces ousted the hardline militia. Western intelligence agencies suspect he is getting money from Iran.

His following among ethnic Pashtuns is considered fairly significant.

Reports that Hekmatyar was training suicide squads to target American and government forces surfaced last September, when one of Hekmatyar's military commanders, Salauddin Safi, told The Associated Press that some Taliban had formed an alliance with Hekmatyar's followers called Lashkar Fedayan-e-Islami, or the Islamic Martyrs Brigade.

King would not speculate on what the rebel fighters were planning, but he said that the largest contingent of coalition forces were stationed in nearby Spinboldak. "That's an obvious target," King said.

King said that it is believed the rebel fighters, while loyal to Hekmatyar, have sympathies and possible links to the ousted Taliban and al-Qaida.

Many Taliban and al-Qaida suspects fled into Pakistan following U.S. bombardment in late 2001. There have been a series of attacks along Afghan's long border with Pakistan in recent months, including one in December that resulted in the death of U.S. Army Sgt. Steven Checo.

There have been several other shootouts involving U.S. forces along the border in recent months, and rockets are routinely fired at U.S. military bases in eastern Afghanistan, near the border. The rockets rarely hit their target and injuries from such assaults are unheard of.

U.N. and American forces have expressed concern about renewed training by al-Qaida and Taliban militants in the mountains of Afghanistan near the Pakistani border.

Operation Anaconda, from March 2 to March 18, was the largest ground operation of the war. Its was to eliminate Taliban and al-Qaida holdouts in a mountainous area of southeastern Afghanistan and involved more than 2,000 U.S. and coalition troops. Seven Americans died.

Jan. 27, 2003, 11:13PM

Wilting opposition buoys Sharon's election confidence

Violence continues on eve of Israel's 4th vote in 7 years

Associated Press

JERUSALEM -- Confident of victory in today's election, Prime Minister Ariel Sharon withdrew to his office on the last day of the campaign, while opposition leader Amram Mitzna phoned wavering voters in a desperate attempt to cushion what is shaping up as the worst-ever showing of the once-dominant Labor Party.

Violence continued into the early hours before polls opened. An explosion leveled a house in Gaza City early Tuesday, killing three Palestinians, including a teenage brother and sister, and wounding 11 others.

Witnesses and Palestinian security officials said an Israeli military helicopter had been circling the area for several hours and apparently fired a missile at the building.

Israeli military sources, speaking on condition of anonymity, said the blast was caused by premature detonation of a bomb being assembled by militants in the house and not from an Israeli attack.

The explosion leveled a one-story building in a neighborhood near the Gaza seacoast.

Three people were killed, including Mohammed Atel, 30, a bodyguard of Ismail Abu Shanab, a senior Hamas official.

Neighbors said the house belonged to Ihab Salame, a supporter of the violent Islamic movement that has carried out dozens of suicide bombings in Israel and fired rockets at Jewish settlements and Israeli towns.

His children, Sabrin, a 15-year-old girl, and Mohammed, 17, were also killed, hospital officials said.

Israel's fourth election in seven years has inspired little passion, even though the direction of Israel's conflict with the Palestinians is at stake. Mitzna champions a quick withdrawal from the Gaza Strip and much of the West Bank, while Sharon says troops must stay there until Palestinian militants have been crushed.

Many voters have simply despaired of a quick end to 28 months of fighting that has killed more than 2,800 people, three-fourths of them on the Palestinian side.

"No one really expects the dawn of a new day -- at most the twilight of an old evening," commentator Hemi Shalev wrote in the Maariv daily. "It is likely that what was, will be."

About 4.7 million of Israel's 6.6 million citizens are eligible to vote, with 27 parties competing for 120 seats in Parliament. The nearly 8,000 polling stations are to open at 7 a.m. local time today (11 p.m. Monday CST) and close at 10 p.m. (2 p.m. today CST). At that time, three Israeli TV stations plan to broadcast exit polls or telephone surveys.

Complete returns are expected Wednesday, and official results will be announced Feb. 8.

Israel clamped a three-day closure on the Palestinian areas, further tightening travel bans amid a flurry of warnings that Palestinian militias will try to disrupt the vote.

In Cairo, the Palestinian militant groups Hamas and Islamic Jihad announced Monday they will not halt attacks on Israeli civilians, ending Egypt's months-long effort to pave the way for a truce and resumption of peace talks. There had been some expectation that a truce announcement could be made before Israel's vote.

With Sharon's right-wing Likud expected to emerge as the largest faction -- Monday's polls had Likud winning 30 to 33 seats -- attention has already shifted to post-election coalition troubles that could significantly weaken the prime minister.

Mitzna has rebuffed Sharon's appeals to bring Labor into a Likud-led government. "A promise is a promise," Mitzna, 57, said Monday, reaffirming his pledge not to renew his party's 20-month alliance with Sharon that fell apart in November.

Without Labor, Sharon, 74, would have to form a coalition of right-wing and Jewish religious parties. Polls predict such a lineup would have a narrow majority in Parliament, but would be unstable because it makes Sharon vulnerable to political blackmail.

A wild card is the upstart Shinui, which is expected to become the third-largest party and says it will join only a Likud-Labor alliance that does not include religious parties.

The mood in the Mitzna camp was subdued Monday, and the Labor leader spoke openly about the possibility of defeat; polls predicted 18 to 19 seats for Labor, down from 26 in the 1999 election. Commentators said that if Labor got fewer than 20 seats, Mitzna was in danger of being deposed as leader.

"We will struggle until victory," Mitzna said during a campaign stop in the Tel Aviv suburb of Ramat

Hasharon. "If we don't succeed this time, we will continue to be an alternative in the future."

Jan. 27, 2003, 9:40PM

Colombia insists it's in control

Top officials visit besieged region

Associated Press

BOGOTA, Colombia -- Colombia's interior minister insisted Monday that the government was still in control of Arauca state, a region where one rebel group killed six soldiers and a civilian with a car bomb over the weekend and another kidnapped two foreign journalists.

Colombian Defense Minister Martha Lucia Ramirez and the commander of the armed forces, Gen. Jorge Enrique Mora, visited Arauca on Monday to investigate the volatile situation.

The car bomb, which exploded near a military patrol in the village of Pueblo Nuevo on Sunday, was believed set off by the rebel Revolutionary Armed Forces of Colombia, or FARC, the army said.

The civilian who died was the driver, the army said. The blast, about 200 miles northeast of the capital, also wounded eight soldiers and another civilian, the army said.

Authorities have accused rebels of twice using hostages as unwitting suicide bombers, luring them into cars without telling them the vehicles were packed with explosives, and then detonating the bombs by remote control when the car neared a military target.

Arauca -- a state about twice the size of New Jersey in northeastern Colombia, along the Venezuelan border -- is rich in oil resources, and FARC and other rebel groups have repeatedly attacked a pipeline running through the state. An illegal right-wing militia is battling the rebels for control of the oil plains in the state, which has about 350,000 residents.

Some 70 U.S. Army Special Forces trainers are to begin training a Colombian army brigade in counterinsurgency tactics in Arauca this week so they can protect the oil pipeline, owned jointly by Los Angeles-based Occidental Petroleum and the Colombian oil monopoly Ecopetrol.

Interior Minister Fernando Londono said Monday the government was still in control of Arauca, despite the violence.

"This doesn't mean that the government, the armed forces and the police have lost control of Arauca, which is a very difficult zone to manage," Londono told RCN radio Monday.

The army announced it killed three rebels Sunday near the Arauca town of Saravena. No further details were immediately available.

There was also no word on the fate of kidnapped American photographer Scott Dalton, 34, of Conroe, and British reporter Ruth Morris, 35.

Their rebel captors -- the National Liberation Army -- have said nothing about the freelance journalists since announcing Thursday over a clandestine rebel radio station that they had "detained" the two, who were on assignment for the Los Angeles Times, on Jan. 21.

There was concern the recent bombings and clashes between government security forces and rebels put the hostages' lives at risk, but there have been no calls for the army to mount a rescue attempt.

Jan. 27, 2003, 10:26PM

Venezuelan strike may be waning

Oil production up; reopenings cited

Associated Press

CARACAS, Venezuela -- A two-month strike against President Hugo Chavez showed signs of waning Monday as oil production rose and opposition leaders said schools, restaurants and malls may reopen.

Crude oil output reached 966,000 barrels a day Monday, according to striking executives at the state oil monopoly, Petroleos de Venezuela S.A., or PDVSA. That amount is just under a third of Venezuela's prestrike production but well up from a low of 200,000 during the strike.

Chavez claimed Sunday that daily production had surpassed 1 million barrels.

But the opposition said the strike in the oil industry, which provides half of government revenue, would continue despite government efforts to lift production.

Citing political unrest and economic turmoil, a coalition of business groups, labor unions and political parties launched the strike Dec. 2 to demand that Chavez resign or call early elections.

They began organizing a nonbinding referendum on Chavez's presidency. But Venezuela's Supreme Court last week postponed indefinitely the Feb. 2 vote, citing a technicality.

Instead, they now plan to collect signatures Feb. 2 on a petition demanding Chavez's term be cut to pave the way for new elections.

A petition -- with 15 percent of Venezuela's 12 million voters -- is necessary to amend the constitution, cutting Chavez's six-year term, due to run until 2007, to four.

Strike leaders, however, were concerned that frustration with long gas lines and shortages of basic goods could weaken their cause.

Jan. 27, 2003, 11:34PM

40 die as bus, truck collide in India, police say

Associated Press

CALCUTTA, India -- A passenger bus collided with a truck loaded with paint and caught fire early Tuesday in eastern India, killing at least 40 people, police said.

Local villagers helped police in rescuing the 15 surviving passengers from the bus, all of whom were injured and taken to hospitals, said Narayan Ghosh, the deputy inspector-general of police.

The head-on collision occurred 25 miles south of Calcutta, the capital of West Bengal state. The bus was on its way to Calcutta from neighboring Orissa state.

Press Trust of India news agency said the accident occurred around 5 a.m. when the highway was enveloped in dense fog.

The bus overturned and caught fire. Most of those killed were burned to death, PTI quoted a police officer as saying.

The accident blocked traffic on the highway leading to Calcutta.

Jan. 28, 2003, 12:25AM

World briefs

Afghan battle biggest since March 2002

BAGRAM, Afghanistan -- U.S. and coalition forces are fighting a pitched battle against a group of 80 rebel forces aligned with renegade leader Gulbuddin Hekmatyar in the largest-scale fighting since Operation Anaconda nine months ago, the U.S. military said Tuesday. At least 18 rebel fighters have been killed, and there have been no coalition casualties. Operation Anaconda refers to fighting in March in eastern Afghanistan that involved the largest number of American troops in the Afghan war.

North Korea warns U.N. nuclear agency

SEOUL, South Korea -- North Korea ordered the U.N. nuclear agency to keep out of its business Monday, a scornful diatribe that came as top North and South Korean officials held cordial talks on resolving Pyongyang's nuclear crisis. South Korea's presidential envoy met with a close confidant of reclusive North Korean President Kim Jong Il -- and there was speculation that he and the other envoy could meet with Kim himself in the coming days. The North has said it would consider U.N. sanctions an act of war, and on Monday, issued a diatribe against U.N. nuclear agency chief Mohamed ElBaradei, calling him a "poor servant and mouthpiece" of the United States.

Tensions with India, Pakistan mounting

NEW DELHI, India -- India and Pakistan resumed shelling along the Kashmir border Monday, and New Delhi warned Pakistan it would be "erased from the world map" if Islamabad used nuclear weapons against India. Pakistan responded by calling the comments by Defense Minister George Fernandes "nothing but Indian harping." Indian and Pakistani troops exchanged mortar fire in Punch, a border district 145 miles northwest of Jammu, the winter capital of India's Jammu-Kashmir state.

Montenegro, Serbia to form loose union

BELGRADE, Yugoslavia -- In another step toward replacing Yugoslavia, lawmakers in the federation's main republic, Serbia, on Monday approved constitutional changes to form a looser union with junior partner Montenegro. The new constitution envisages Serbia and Montenegro as two nearly independent states, linked solely by a small joint administration running defense and foreign affairs. Yugoslavia's overhaul would be complete after lawmakers in Montenegro as well as in the federal Parliament also approve the measure.

Ex-Serbian president enters innocent plea

THE HAGUE, Netherlands -- Former Serbian President Milan Milutinovic pleaded innocent Monday to charges of war crimes in Kosovo. Looking solemn, Milutinovic stood before Judge Patrick Robinson and responded "not guilty, your honor" in Serbo-Croatian to each of five charges of alleged murder, deportation and inhumane acts.

Germans sign accord with Jewish group

BERLIN -- The government signed an agreement with the country's leading Jewish organization, putting their relations on a formal legal footing and giving the organization the same legal status as the predominant churches. The signing of the accord by Chancellor Gerhard Schroeder and Paul Spiegel, head of the Central Council of Jews, came on the 58th anniversary of the liberation of the Auschwitz death camp.

First Egyptian woman appointed as judge

CAIRO, Egypt -- President Hosni Mubarak announced the appointment of the country's first woman to serve as a judge. The appointment by presidential decree of Tahani el-Gebaly, as a judge on the Constitutional Supreme Court, is expected to end a decades-old debate over the right of women to become judges.

Houston Chronicle News Services

Jan. 28, 2003, 12:36AM

In 15 years, 3-pointer has changed how the high school game is played

By SARAH HORNADAY

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In the Yates boys' first basketball game with Milby this season, 6-5 Larry Posey exposed the Lions' weakness inside. When they met a second time, the Lions tried to make sure Posey wouldn't hurt them.

Yates kept Posey covered in the first half, but the Lions couldn't control him *and* keep forward Jawaan McClellan under control. McClellan and Milby's guards camped out on the 3-point line and made the Lions pay.

McClellan was 3-for-4 from 3-point range in the first half and finished 6-for-9 as the Buffs beat Yates again.

It's now a 15-year-old question for high school coaches: How do you defend 3-point shooters?

It's a development many coaches like. The 3-pointer, added to Texas high school basketball for the 1987-88 season, adds excitement to the game. Whether a 3-pointer wins a game or simply gives a team the belief a 10- to 15-point deficit isn't insurmountable, many coaches are glad the trey is here to stay.

"It's changed the whole mindset and strategy at the end of ballgames," Klein Collins coach Larry Pitre said. "It's really opened games up and not made leads as secure as 10 years ago. It's better for the fans."

Westfield's girls trailed Mansfield by 16 points in the third quarter of a state tournament game last season before trimming the margin with a run that included several 3-pointers. The Mustangs weren't able to complete the upset, but they knew until the end they had a chance to win.

Sam Houston, where Pitre was coaching in 1987, and Clear Lake were the first boys teams to really take advantage of the 3-point line. Both had strong shooting teams, and they didn't change their offenses -- they simply stepped back a little more for their shots.

"We got our guards to hold their screens a little longer, and the shooters would get behind the (3-point) line," Pitre said. "We just had a great 3-point-shooting group."

Sam Houston won the Class 5A state title with a 3-pointer that year. Kethus Hanks made five 3s in the title game, including one that broke a 68-68 tie on the way to a 73-68 win.

It was a great way to cap off the 3-pointer's first year in high school ball. Many teams joined the 3-point parade the next season, and no one has looked back since.

"When it came out, we were running a flex-control offense," Elsik coach Jerrel Hartfiel said. "We ran it one year and junked it. I think it's made the game more exciting."

Two boys regional finals in the last seven years have been determined by a 3-pointer. Humble in 1996 and Beaumont Central in 1999 went to the state tournament because of last-second 3-pointers.

A good 3-point shooter will take teams out of a zone. The 3 also allows smaller players to be as important as tall ones.

"I think it levels the game from the teams that have really big guys," Elkins coach Wayne Howard said. "(The 3-pointer) gives the game a new dimension."

It's not only a big part of the boys game. Girls teams like Mayde Creek and Dulles try to shoot 3-pointers at least 20 times a night.

The Dulles girls' game plan is like that of the Clear Lake boys teams of the late 1980s and early 1990s: Shoot it before you lose it.

Those Clear Lake teams would get a fast break and first look for the 3-pointer before going inside. In a set offense, they would look to one side of the arc and, if the shot wasn't there, try to get a bounce pass to the opposite wing for a 3.

Dulles' girls have had one 6-foot player in the last four years, but it hasn't stopped the Vikings from reaching the state tournament three times. A lot of that success stems from outside shooting.

"Why go for two when you can go for three?" Dulles girls coach Doug Lechtenberger said. "The little bitty kids practice it out of necessity. It really can be a weapon."

Dulles' current 3-point star is Nicole Duncan, who is 120-for-298 this season from behind the arc. Her 120 3-pointers have her just outside the national top-10 list for most 3s made in a season. The national mark of 169 was set by Danielle Viglione, who went on to star at Texas, in 1991-92.

Mayde Creek is led by junior Angelica Devries, who holds the school's game, season and career records for 3-pointers. She has hit 93 of 281 treys this season.

Players today grew up with the 3-pointer and put it in their games from the start. Jones' Daniel Gibson had the 3 as a main part of his arsenal in the eighth grade.

The 3-pointer was the first part of McClellan's game. "I was comfortable with it in the sixth grade," the Milby gunner said.

For the boys, the 3-point line's distance from the goal -- 19 feet, 9 inches -- doesn't seem deep anymore. Players like McClellan and Gibson rarely get right behind the line, often shooting from two or three feet deeper.

The addition of the 3-point shot can pick up a player's game. Gibson said he was impressed with Hightower guard Lanny Smith's better effort at the 3-point line. Cypress Creek guard George Kiel is a great penetrator who has become more dangerous with a strong 3-point shot.

It's even more important in lower classifications, where one player can make a major difference.

Class 3A Splendora has seen that difference with the addition of Chris Scott. Splendora had a losing record last season, but with the transfer of Scott from Westfield, it is 15-11 (6-3 in district).

Scott is shooting 36 percent (74-for-203) overall from 3-point range but 49 percent (36-of-73) in district games.

"Just to have a scorer at our level is big," Splendora coach Jason Vela said. "When you have a guy who can shoot from behind the 3-point line, he can keep you in a lot of games."

Jan. 27, 2003, 10:02PM

Special athletes defying age, redefining limits

By **STEVE WILSTEIN**

Associated Press Sports Writer

They are champions for the ages and heroes of the middle-aged.

Andre Agassi, bald and still beautiful in his movement on the court, is a Grand Slam champion again at 32 with his fourth title in the Australian Open's summer swelter.

Yet he is a mere pup compared with Martina Navratilova, 46 and closing in on AARP eligibility as she leaves the Australian Open mixed doubles with her 57th major title.

Jerry Rice scored one more Super Bowl touchdown at age 40, even if he couldn't carry the Oakland Raiders past the Tampa Bay Bucs.

As spring training approaches in baseball, Barry Bonds, Rafael Palmeiro, Randy Johnson and Curt Schilling, all in their late 30s, and Roger Clemens, 40, are defying age and redefining limits with punishing workouts to stay among the best in the game.

Rickey Henderson, released by Boston, plans to be diving headfirst into the bases somewhere this season at age 44.

Michael Jordan, three weeks from his 40th birthday, is averaging 18.2 points and 35 minutes a game as he continues to transform the Washington Wizards into a playoff contender. John Stockton, approaching 41 in March, is fourth in the NBA in assists while his 39-year-old Utah teammate, Karl Malone, again leads the Jazz in scoring and rebounds.

These elite athletes, and others in virtually every sport, are performing at a higher level longer than ever. They're not just hanging on, they're setting records and keeping younger players on the bench.

Every era has had at least a few good older athletes, but never like today. Better training methods and nutrition products, a deeper commitment to working out year-round, and soaring salaries and prize money that encourage athletes to play longer have combined to produce a generation of athletes that is changing sports and attitudes.

They are Baby Boomers who refuse to grow old, or at least show their age, and they are part of a

phenomenon that has broad implications for professional sports and society.

For all of us sweating through workouts in YMCAs or knocking around courts and fields on the weekends, the triumphs of these champions set the bar higher. Whether we're in our 30s or 40s, or in our 70s or 80s, when age doesn't seem to matter anymore there's suddenly a new view of what we can achieve.

Youthfulness is celebrated in every sphere, not just in sports, but champions like Navratilova are redefining what that means and how it looks.

When she played a Wimbledon tuneup event last summer, Navratilova heard some carping from young players that she was taking up a spot in the draw and should have stayed retired.

It was the most foolish of complaints, smacking of little more than petty jealousy. Ridiculous, too, was the criticism that her first singles match victory in eight years, over No. 22-ranked Tatiana Panova, was a sign of weakness in the women's game.

"That would really make me mad, because when Michael Jordan comes back he still makes an All-Star team and plays well because he's great," she said. "And I can still play this game and certainly I can still play it on grass. So don't look at the age, look at the ability."

That's all anybody has to look at in the athletes who continue to astonish at what once was considered an advanced age in sports. There's scant evidence that the average age of pro athletes is increasing, or that there is any lack of young talent. Rather, Agassi, Navratilova, Rice and the other older standouts make up a unique group who have been champions throughout their careers and refuse to stroll into the sunset too soon.

Statistics can be stretched in a lot of different ways, but some of them don't lie. When Barry Bonds hits 73 home runs at age 37 and bats .370 at age 38, and wins the National League MVP both years, he's clearly performing at a level that used to be considered impossible for players that old. Even cynics who claim that Bonds is pumped up on steroids, despite his denials, would have to acknowledge that his batting average is hardly a function of pure power.

When Agassi wins matches in 100-degree heat in Australia, or Pete Sampras wins the U.S. Open at 31, or Lance Armstrong wins his fourth Tour de France and the AP Male Athlete of the Year award, also at 31, they are making a statement that assumed limits no longer exist.

All of which made a comment by Venus Williams this weekend sound a little silly. She was lamenting her loss to her younger sister, Serena, in the Australian Open women's final. Venus was saying she didn't want to be a player who wins "only" four Grand Slams.

"When you look at the great players who have won 20 and all those kinds of numbers," she said, "I still

have a long way to go -- and not much time."

All of 22, Venus could play 10 more years and 40 more Grand Slams and still would be 14 years younger than Navratilova is now.

Jan. 27, 2003, 6:48PM

Top markets

The top-rated markets for Super Bowl XXXVII:

MarketRating/Share

1. San Diego 53.9/81
2. Tampa 52.7/71
3. Pittsburgh 51.5/67
4. Denver 50.8/75
5. Buffalo 49.8/65
6. Orlando 49.7/66
7. San Fran./Oakland 49.1/79
8. Sacramento 48.3/69
9. Detroit 48.2/67
10. Kansas City 48.2/68
16. Houston 46.7/65
16. Austin 46.7/66
23. Dallas/Fort Worth 44.6/64
37. San Antonio 41.3/69

Jan. 28, 2003, 12:15AM

Lions think it over, fire Mornhinweg

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ALLEN PARK, Mich. -- The Detroit Lions fired coach Marty Mornhinweg on Monday -- a month later than expected.

Considering the Lions' 3-13 season and 5-27 record over two years, it was surprising when chief executive Matt Millen said Dec. 31 that Mornhinweg would return for another season.

Millen, a former linebacker who won four Super Bowl rings with three teams, was hired two years ago with no front-office experience. He then hired Mornhinweg, who had never been a head coach at any level.

Now Millen is looking for a new coach. At Monday's news conference, Millen became agitated and thumped a podium with his fist when it was suggested the franchise he's in charge of looks like a disaster.

"Whatever it takes to get us to win, you do," Millen said. "And if it takes changing the head coach, then that's what you do."

Mornhinweg could not be reached for comment, but he is expected to comment today.

Goodrich arrested on new charges

-- Dallas Cowboys defensive back Dwayne Goodrich was arrested on three new charges in a hit-and-run accident that killed two people.

Goodrich was taken into custody at his home, then posted \$15,000 bail and was released from jail. He already had been free on \$50,000 bond on two manslaughter charges in the Jan. 14 incident.

The new charges are for failing to stop and help the victims, a felony punishable by up to five years in prison.

Texans claim Jennings

-- The Texans claimed former Texas A&M standout Brandon Jennings off waivers and signed four free

agents.

Jennings, a cornerback, spent parts of this past season with Oakland and Green Bay. Despite being on the active roster for part of the season, Jennings did not appear in any games and was released Jan. 11 by the AFC champion Raiders. He was originally signed as an undrafted free agent in 2000.

The Texans also signed wide receiver LaVell Boyd, tackle Jelani Hawkins, safety Glenn Sumter and tackle Gannon Shepherd.

Hawkins spent five weeks on the Texans' practice squad.

Smith declines induction

-- Emmitt Smith won't be going into the Texas Sports Hall of Fame after all.

Smith was nominated for induction in September, but last week he told the Waco-based museum that he couldn't attend the Feb. 12 enshrinement ceremony. Hall rules require honorees to appear at the banquet to be enshrined.

Eagles top pick

-- The Philadelphia Eagles, who lost in the playoffs to the eventual NFL champion Tampa Bay Buccaneers, are the favorites to win next year's Super Bowl among Nevada oddsmakers.

The Eagles, whose loss to the Buccaneers on Jan. 19 marked the second year in a row they lost the NFC Championship Game, are 5-1 favorites at Las Vegas Sports Consultants, a firm that advises casinos on their betting lines. At 5-1 odds, winning bettors would collect \$5 for every dollar wagered.

The St. Louis Rams are next at 6-1, followed by the Buccaneers and Oakland Raiders at 7-1.

Packers hire Bonamego

-- John Bonamego was hired as the Packers' special teams coordinator after helping the Jacksonville Jaguars produce one of the best special teams units in 2002.

Bonamego replaces Frank Novak, who retired Jan. 10.

Edwards, Woody added

-- San Diego Chargers middle linebacker Donnie Edwards and New England Patriots center Damien Woody were added to the AFC Pro Bowl roster Monday.

Edwards was added after Denver's Al Wilson and Pittsburgh's Kendrell Bell pulled out. Woody was named to replace Oakland's Barret Robbins.

Jan. 27, 2003, 8:10PM

Give chewing cat some nutritious treats

By **STEVE DALE**
Tribune Media Services

Q: My 8-year-old cat engages in some odd behavior. He chews on plastic bags, my checkbook, my shoes, my purse -- anything with either plastic or leather. Also, he has a stuffed animal he carries in his mouth while he walks around crying. Could he be acting out against our other cat?

-- S.Z., Safety Harbor, Fla.

A: If you're suggesting that this leather-and-plastic-chewing cat is expressing jealousy, that's not the case. Patricia McConnell, a certified applied animal behaviorist based in Madison, Wis., isn't suggesting that cats can't feel something akin to jealousy, but this isn't an example. Apparently, your kitty simply likes the texture and most likely the taste and smell of plastic and leather. Fish oils are used in the process of making some plastics and leathers, so the attraction is obvious.

McConnell says she's met several cats who love sinking their teeth into big old erasers and leather sofas. She suggests they just love the feel -- sort of like sinking their teeth into real prey.

Substitute some other chewables for your pet. Ask your veterinarian about C.E.T. chews. Cats enjoy devouring these log-shaped products (poultry or fish flavored), which have the added benefit of removing tartar. Another idea is chicken stick baby food (available wherever baby food is sold). Just as your cat is about to munch on your checkbook cover or your purse, hand over a yummy-smelling treat. Periodically, drop a C.E.T. or chicken stick where your cat can find it. Soon he'll learn to hunt for these treats rather than your checkbook or shoes.

As for walking around with a stuffed animal, McConnell says, "If your cat is making a thrilling sound, he's very proud and very excited to provide his family something he's caught. He's offering you a gift." It's rude to refuse gifts. And that stuffed animal is a whole lot better than a live mouse, a gift many indoor/outdoor cats favor.

Q: We have a 9-month-old Labrador. Another Lab, a puppy, is set to arrive. I was told by a trainer that the new puppy should be kept away from our current dog until the pup has bonded with my family and me. The trainer said the dogs should not sleep together or play together for more than 10 minutes until the new puppy is fully trained. What do you think of this?

-- S.P., Las Vegas, Nev.

A: That's garbage, says Liz Palika, author of *KISS Guide to Raising a Puppy* (DK Publishing, \$20).

"Your older dog will help your puppy learn the ropes. It can take us days or weeks to teach a new puppy not to inappropriately nip. If your puppy nips too hard on your 9-month-old, he'll learn instantly," she says. "He'll learn housebreaking and general manners around the house faster by watching the other dog. Of course, he can also learn bad habits. He's still a baby, and he'll still get into trouble and have accidents, but having another teacher, especially one with four legs, is wonderful."

Palika, who trains dogs in Oceanside, Calif., adds that middle-aged and older dogs are often rejuvenated when a puppy comes into the home.

However, do take your puppy to training classes. And practice whatever you've learned in class once a day, if you can, without the older dog present. If you can take a walk once in a while with one dog or the other, that's a good thing. Or begin a walk with a spouse or friend, each of you leading one of the dogs. Walk a few blocks, then split up, each person taking one dog. "You don't want the dogs to be too dependent on one another," Palika says.

Steve Dale welcomes questions and comments from readers. Although he can't answer all of them individually, he will answer those of general interest in his column. Write to Dale at Tribune Media Services, 435 N. Michigan Ave., Suite 1400, Chicago, IL 60611. Send e-mail to petworld@aol.com.

Jan. 27, 2003, 8:09PM

Rockettes member struts stuff to inspire young girls

By MARY ANN FERGUS

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On an unusually cold, rain-soaked Saturday in the back of a Houston-area gym, a few dozen girls and young women lived a dancer's dream.

They learned the subtle movement of popping a shoulder or a knee while moving heel-toe, heel-toe.

They swiveled.

They beveled.

They flexed hands, flicked wrists and kicked in a chorus line.

All under the direction of a Radio City Rockette, a woman not all that different from themselves except that her dream came true.

Just a few months ago, Scarlett Buford was an accomplished but unknown dancer from Galveston without a job. Now the 23-year-old is part of the legendary dance company known for its trademark "eye-high" kicks and jazz and tap choreography.

What young dancer wouldn't want to be a part of such true American panache?

Girls like 11-year-old Courtney Vossler showed up after watching *Moulin Rouge* and dancing around the house the night before. No need for an alarm clock; she was up a good hour before it went off on Saturday.

"It's all she's been talking about for the last few weeks," said her mother, Tami Vossler, of north Houston, about her daughter. "She would love to be a Rockette."

She wasn't the only one. Most of the two dozen girls in the morning class -- and a few of their parents -- agreed that becoming a Rockette is the stuff of young girls' dreams.

Buford's dream was born years ago when she saw the Rockettes at their home base at Radio City Music Hall in New York.

Buford saw the famous Christmas production twice, first in high school and again during college. Both times Buford was in New York to appear in the Macy's Thanksgiving Day Parade with her drill team.

"I thought it was wonderful," Buford said of the show. "There were 36 women on stage; however, they're identical. It was that precision style."

The young dancers got a taste of that precision at last week's workshop. Called "The Rockette Experience," it was the first time that a Radio City Rockette offered a dance class in Houston on the detail-oriented technique born 76 years ago.

Buford offered the workshop in Dallas earlier this month, then twice in Houston on Saturday and in Austin on Sunday. Girls from age 10 to women as old as 71 have attended. Similar classes were held around the country.

For two hours, Buford led a morning class of girls ages 10 to 14 through short tap, jazz and chorus line routines taken from the actual Radio City Christmas Spectacular viewed by more than 2 million people in 10 cities last year. The show extended beyond New York in 1992 and added new locations (but not Houston yet) each year.

With light brown hair and a perennial smile, Buford called out directions and encouraging words in a high-pitched sweet voice.

"Make sure you're sitting into the hip, nice and tall. Really sturdy," Buford said. And moments later, "Wrists flexed, fingers splayed. Thumbs are very important. You never want to see thumbs separated from other fingers because we wear white gloves and it would really show."

Perhaps best of all the girls learned the secrets behind that fabulous chorus line kick. First, they lined up with the tallest in the middle and the shortest on the ends to create the illusion that they're all one height. They learned to stand with their arms behind each other but without touching each other's backs or shoulders. (Read: Major abdominal strength necessary).

Then Buford conducted mock auditions, rating three girls at a time as they danced before her.

Buford said most of the dancers needed a little more guts and oomph in each step but she gave them all high marks and smiled and applauded with parents who watched and videotaped from the sidelines.

Besides, there will be plenty of time for harsher judgment. Some 1,800 women tried out for the Rockettes in 2002, and 90 were chosen. Buford had auditioned twice and failed to make the cut.

Then, after a two-day audition in September, everything changed. Buford was asked to perform in the Nashville show where she would dance 54 shows during the holidays.

There was momentary relief, followed by joy and tears on the phone with her parents, William and Elaine Buford, in Galveston after she got the call. Then Buford went on to six-hour practices, six days a week for more than three weeks, and there was little time to reflect on her success.

"It was a total intensity unlike anything I had ever done," Buford said. "The expectation is definitely elevated. Not only are you learning it and having to retain it but you're also expected to perform it correctly in three and a half weeks."

Even as she first danced before an audience at the Grand Ol' Opry it didn't really hit her.

"It hits more so now," Buford said.

At the workshop's end, Buford shared her journey to becoming a Rockette.

She started dance classes at age 3, did drill team at Ball High School in Galveston and Kilgore College and took more dance classes while attending the University of Texas at Austin. She graduated from UT in 2001 with a bachelor of science in kinesiology. She even flew to New York to take a Rockette Experience herself and later went to the University of Alabama for a week-long class called the "Rockette Summer Intensive."

Back in the gym, the girls eagerly listened, even 11-year-old Courtney Vossler who, due to genes, will probably never reach the minimum Rockette height requirement of 5-feet-6.

Edie Cole of The Woodlands recalled watching the Rockettes as a child during family vacations to New York, back when the dance company used to perform during movies.

"I always wanted to be a Rockette when I was a little kid," Cole said.

Daughter Chloe, wearing shorts that spelled "Dance" on her seat, said she might like to be a Rockette, or she might just want to teach dance.

It is during such inspiration that Buford realizes what she has accomplished.

"You're that small icon that they're looking up to -- you're that dancing girl on TV that people watch annually on Macy's Parade," Buford said. "At these teaching experiences I'm realizing and feeling more of the fame of being a Rockette."

Jan. 27, 2003, 8:09PM

New goal seen for birth-control pills

By GINA KIM

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SEATTLE -- More than 40 years after the birth-control pill transformed the lives of women by giving them power over when and whether to have children, some doctors say women can take the revolution a step further: They can use the pill to rid themselves of the hassles of monthly menstruation.

While the practice is often one of convenience or used to address problems related to menstruation, experts are studying whether it is medically risky -- or beneficial -- for women to have fewer periods.

A University of Washington professor will publish a study in March on women who used the pill to skip their periods for a year.

And by this fall, pending Food and Drug Administration approval, women will be able to slash the menstrual experience from 13 times a year to four with currently available pills packaged to allow three months between periods.

"Birth control led to a fundamental social, cultural and psychological change," said Susan Jeffords, a professor of women's studies at the University of Washington. "This is an amendment to that."

Women for years have used the pill to manipulate the timing of menstruation. They skip the placebos in their packs of birth-control pills and start new, "active" packs to keep their periods from coinciding with weddings and special events.

Doctors also have been prescribing continuous use of birth-control pills for women who have difficult and sometimes painful periods, or who suffer from conditions such as menstrual migraines or endometriosis.

But some women are tossing their tampons simply to make their lives easier.

"It's not something totally magical," said Dr. Leslie Miller, the UW obstetrics and gynecology assistant professor who is heading the project. "It's just logical that you don't have to have bleeding during the period week."

The menstrual cycle helps allow pregnancy. The ovary releases an egg, usually monthly. Blood and

tissue build up in the uterus to host a fertilized egg.

If pregnancy doesn't occur, the lining of the uterus is flushed out. The process repeats itself each time an egg is released.

Birth-control pills, first approved by the FDA in 1960, contain the hormones estrogen and progestin. They prevent pregnancy by thwarting the ovaries from releasing eggs and thickening mucus in the cervix to prevent sperm from entering the uterus. And they keep the uterine lining thin so even if an egg is fertilized, it won't implant.

The pill was designed to mimic an average menstrual cycle of about once a month, although individual women's cycles actually range from 22 to 35 days, according to the American College of Obstetricians and Gynecologists.

"On their own, most women won't have a 28-day cycle," said Wayne Shields, president of the Association of Reproductive Health Professionals, a nonprofit educational organization. "The whole premise of the 28-day cycle is something that was made up in the early '50s by a bunch of white guys." Most women take 21 days of pills and then stop or take sugar placebos for seven days. The drop in hormones causes the uterine lining to weaken and bleed lightly, a process called "withdrawal bleeding."

But because the uterine lining never thickens, there's no actual need for it to be shed, she said.

Miller herself threw out a box of tampons a few years ago because it had collected so much dust in her bathroom.

"First you skip a period because it's convenient. And then you start skipping them because you can," she said. "I experimented on myself. I did it and it worked and I thought, 'Oh, well, everyone should do this.'"

When she couldn't find any studies to support, or contradict, the practice, Miller decided to do some research.

In 2001, she published a paper on 40 women who were taking pills to skip their periods every other month. They reported less fatigue and fewer side effects of menstruation than 40 women who took the pill as usual.

But, Miller said, there can be drawbacks to constant pill use.

"The first six months, it's very common to have irregular bleeding," she said.

Dr. Hilda Hutcherson, an assistant professor of obstetrics and gynecology at Columbia University, cautions against the practice until long-term studies prove it's safe.

It's unknown whether long-term menstrual suppression could increase risks linked to the pill, such as blood clots, heart attacks and strokes, she said.

"Is it really worth the unknown risks of serious harm for a little convenience? I don't think so," she said.

The American College of Obstetricians and Gynecologists also highlights the lack of research.

"There is no evidence of any adverse health ramifications," said Dr. Jimmy Moore, who chairs the organization's committee on gynecologic practice. "But there's not enough data for our committee to come together with an opinion."

The interest in using the pill to suppress menstruation comes just as women in menopause are being cautioned against prolonged use of hormone-replacement therapy, or HRT. Many birth-control pills and HRTs contain virtually the same hormones but in different proportions.

The lack of research comparing the two could add confusion to the hormone debate.

Some doctors believe there may be health benefits to decreasing the number of a woman's periods.

A century ago, most women had about 50 periods during the course of their lives because they were pregnant more often, breast fed for up to two years (which stops bleeding) and died younger, Miller said.

Today, most women have more than 450.

"Nature did not mean for you to have that many periods," Miller said.

Studies have shown that women who have fewer pregnancies and breast feed less are at a higher risk of ovarian, uterine and breast cancers as well as endometriosis and uterine fibroid tumors, she said. A woman's ability to get pregnant shouldn't be affected, she said.

"Within seven days, the pill hormones are out of your body. And within a few months, most women ovulate," she said. "But you'll only be as fertile as you were before you got on the pill."

Women should talk to their doctors about the best pill to use for an extended regimen. Miller recommends pills with low doses of estrogen that don't fluctuate in dose each week.

New York-based Barr Labs is awaiting FDA approval to market Seasonale, a package of 84 birth-control pills and seven placebos that would cut periods to four times a year, said company spokeswoman Carol Cox.

"These days, women lead busy lives. Menstruation is something they can do without if they want to," said Dr. Hope Ricciotti, an obstetrician/gynecologist at Beth Israel Deaconess Medical Center in Boston.

Jan. 27, 2003, 8:12PM

'Crispin' wins 2003 Newbery medal

By JASON STRAZIUSO
Associated Press

PHILADELPHIA -- The story of an orphaned 13-year-old boy in search of his identity in 14th-century England has won the top honor in children's literature from the American Library Association.

Avi's *Crispin: The Cross of Lead* was awarded the 2003 Newbery Medal on Monday. Eric Rohmann's *My Friend Rabbit* won the Caldecott Medal for children's book illustration.

Crispin is a coming-of-age adventure layered with historical detail. Avi, who goes by one name, consulted more than 200 historical texts while writing the book, his 50th.

"It really is an affirmation of a coming together to secure individual freedoms for the greater good of society," said Star LeTronica, the chair of the Newbery award committee.

Avi, whose previous best-known work was *The True Confessions of Charlotte Doyle*, said he doesn't write to provide a message. "I just want kids to read it and get excited and be thrilled with the story," he said.

"The kids who loved this book, they bought into the world of the peasant revolt," said Lisa Von Drasek, a Newbery committee member and children's librarian.

Crispin is aimed at junior high school readers.

My Friend Rabbit is an illustrated story about a good-intentioned but trouble-causing rabbit. After getting a toy airplane stuck in a tree, the rabbit drags a handful of jungle animals, including a purple hippo and a pale blue ox, to help retrieve the plane.

In the end, the column of creatures crashes down, providing a comic climax to *Rabbit*, a story aimed at preschoolers.

"The colors are just so vibrant," said Caldecott award chairwoman Pat Scales. "There is not a single spot in this book that children will not find fascinating."

Nikki Grimes' *Bronx Masquerade* won the Coretta Scott King award for best children's literature by a

black author. E.B. Lewis' *Talkin' About Bessie: The Story of Aviator Elizabeth Coleman* won the illustration prize.

The awards were started in 1922. Previous winners include Madeleine L'Engle for *A Wrinkle in Time* and Hugh Lofting for *The Adventures of Dr. Dolittle*.

Jan. 27, 2003, 8:11PM

Magazine on Southern matters relaunched

By **CHUCK BARTELS**
Associated Press

LITTLE ROCK, Ark. -- The first edition of the relaunched Oxford American is on newsstands with a previously unpublished essay by James Agee about his experiences with racism.

The Pulitzer Prize winner's *America, Look at Your Shame!* was discovered among his poetry manuscripts and was inspired by a 1943 race riot outside a Detroit amusement park. Agee, a novelist, poet, screenwriter, critic and journalist, died in 1955.

Billed as "The Southern Magazine of Good Writing," the Oxford American almost folded last year. It was taken over by At Home Media Group Inc., publishers of an interior decorating magazine. The new owners moved the publication from Oxford, Miss., to its new home in Little Rock.

Now, with the Agee essay and a travel story about motel life from novelist Charles Portis, who wrote the novel that inspired the John Wayne movie *True Grit*, the winter 2003 edition is trying to increase its circulation from 32,000 to 100,000.

Besides Portis and Agee, there are articles by Joy Williams and William Bowers, and fiction by Wells Tower in the latest issue, which sells for \$4.95. Contributors to earlier editions included William F. Buckley Jr., Donna Tartt and Barry Hannah.

Writers are given a set of guidelines to target Oxford American readers. At the bottom of the list is the following caution: "We do not publish pornography, society gossip, or poems about cats."

A Northern California native, editor Marc Smirnoff ended up in Oxford in 1985, after his car broke down during a cross-country trip. So he took a job at a local bookstore and settled into a new Southern life.

"I saw that people were buying up Southern literature," Smirnoff said. "Then I noticed there wasn't a magazine about the South on newsstands. Here I was in this region that has this deep literary tradition and it just seemed peculiar and nonsensical that there wasn't a magazine coming from this rich region."

So in 1992, Smirnoff and John Grisham, author of such blockbusters as *The Client* and *The Firm*, decided to start the Oxford American. Grisham began bankrolling the business two years later. But after 10 years in Oxford, the magazine was sinking.

Grisham not only devoted money but also his writing talents to keep Oxford American afloat. The magazine serialized his novel, *A Painted House*, in 2000.

Grisham and Smirnoff are now minority owners with At Home.

"I love Oxford to death, but I also learned first hand that there's some danger in putting out an ambitious magazine in a small town," Smirnoff said. "I need to feed off energy and movement. You don't really get that in a small town."

Jan. 27, 2003, 8:09PM

Kimmel underwhelms in his post-Bowl debut

By MIKE McDANIEL

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The tsetse fly is said to be native to South Africa and capable of transmitting the parasites that cause sleeping sickness.

This is worth mentioning in a story about Jimmy Kimmel, because (a) Kimmel takes medication for narcolepsy and (b) Kimmel, like a fly, can spread pestilence.

Pestilence is what we got with Sunday's premiere of *Jimmy Kimmel Live* -- a warmed-over, R-rated version of Kimmel's last foray into television, the misogynistic cable blather known as *The Man Show*, famous for featuring girls bouncing on a trampoline.

On Sunday, Kimmel's co-host, Snoop Dogg, and first guest, George Clooney, seemed intent on testing how far a live network show would be allowed to go as far as taste and language were concerned. Dogg had to be bleeped three times on Sunday's show, each time for exercising his middle finger. ABC bleeped him by cutting to a yellow screen carrying the network logo. The reason we know Dogg was fingerwaving is because the censors weren't fast enough the third time it occurred.

Clooney and Kimmel, meanwhile, engaged in a "how far can we go" contest, trying to get words past the censors. ABC apparently didn't have a problem with "ass," but did when it was combined with another one-syllable word. We are aware that the combined word can be frequently heard on the ABC series *NYPD Blue*. The fact that ABC bleeped it Sunday night may have been the censors having their own kind of fun.

Such hilarity, such wit!

Warren Sapp had the potential to save the show. The outspoken defensive tackle of the Tampa Bay Buccaneers was flown in by helicopter after his appearance in Super Bowl XXXVII.

But Sapp wasn't willing to take any bull from Kimmel. He appeared to be more interested in basking in the glory of the win -- and the three bottles of Cristal champagne waiting for him in his hotel room -- than in answering Kimmel's questions.

It was at this time (about 12:15 a.m.) that I turned the set off, unwilling to stick around to see Coldplay

perform on the parking lot outside. I probably missed the best part.

A computer worm was giving ABC fits on Monday, making it difficult to obtain ratings for the post-Super Bowl shows. We can report that in Houston the game scored a 46.5 household rating and a 64 share (64 percent of viewers watching TV Sunday night were watching the game). An episode of *Alias* scored a 16.7 rating and 26 share. Channel 13's late news averaged a 12.4 rating and 24 share. *Kimmel*, which started at 11:35 p.m., a half-hour later than planned, could muster only a 6.7 rating and 17 share.

Kimmel was visibly nervous Sunday, and his quick wit failed him. He's good at self-deprecation and prognostication (he picked the Bucs).

Now, he needs to loosen up and be as funny as he can be, and make it recognizable and acceptable to a mass audience.

Otherwise, ABC, what's the point?

***Jimmy Kimmel Live*, 11:05 p.m. weeknights, ABC/Channel 13. Grade: Incomplete.**

Jan. 27, 2003, 8:11PM

Obscure works provide fresh voices

By CHARLES WARD

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The Well-Known and the Obscure, an afternoon of music by Beethoven and his contemporaries, was a revelatory program that showed chamber music ensemble Context at its best.

Obscure can be a polite way of saying "better left alone," but in the case of Franz Limmer's Quintet in D minor for piano and strings, Op. 13, it really does mean completely out of the limelight.

Yet with Beethoven's *Archduke* Trio (1811), the reference point at Sunday's concert at Rice University, Limmer's 1832 quintet for violin, viola, cello, double bass and piano was a find.

Limmer has been so unknown that the New Grove Dictionary of Music and Musicians doesn't list him.

Born in Vienna in 1808, he moved at age 26 to Temeswar (or Timisoara) in the far eastern region of the Austro-Hungarian empire (now in Romania). He died there in 1857.

A musicologist found the quintet in a Vienna library in 2000, said Context director Sergiu Luca. Japanese pianist Riko Fukuda brought it to Luca's attention and played Sunday's performance.

Overall, its spirit was exuberant and constantly bounding, much like the most festive music of Mendelssohn.

Chopin came to mind also. In the slow movement, the third of four, Fukuda played elaborate decoration that vividly suggested the Pole's style. Big questions immediately arose about Limmer's relationship with the pair when they passed through Vienna in 1830.

Yet Limmer's Quintet wasn't derivative. It revealed a fresh voice who could write utterly engrossing music, especially as played by Fukuda (using an 1840 Bösendorfer piano), violinist Kenneth Goldsmith, violist Paul Cortese, cellist Norman Fischer and Paul Ellison, double bass.

Just as Context's audience had never heard the Limmer, it probably had never heard Beethoven's *Archduke* Trio played the way Luca, Fischer and pianist Brian Connelly did.

One of the keystones of chamber music, the *Archduke* overwhelmingly is performed with a modern

grand piano, but Context presented it with its restored Rosenberger piano, built around 1810 in Vienna.

The result was shocking. Suddenly, the *Archduke* was real chamber music.

Big Steinways invite big-personality interpretations in which rich, soaring melodies are the expected norm. With its modest power, the Rosenberg forced a complete rethinking. The three instruments became three friends talking intimately. Melodies became sophisticated thoughts exploring subtle changes of meaning and emotion.

In essence, the three players peeled away the glamour of the *Archduke* to show the rich and complex inner structure.

Sometimes, the music sounded surprisingly modern.

The chromatic half-steps that drive the middle part of the second movement were suddenly a device contemporary composers might use. Beethoven's audiences must have been deeply offended by them.

The other contemporary was Italian Alessandro Rolla, a strong proponent of Beethoven's music in Italy, Luca noted.

He, Goldsmith and Cortese played Rolla's Notturmo in E-flat, Op. 2 (1802). The work was light and pleasant, as such divertimentolike music has to be, but its appeal was pale compared to the exuberance of the Rimmer and the depth of the *Archduke*.

Charles Ward can receive e-mail at charles.ward@chron.com.

Jan. 27, 2003, 8:12PM

New Marvel comic just says 'no' to violence

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All Marvel is saying is give peace a chance.

After decades of comics in which the good guys save the day by beating the tar out of the bad guys, Marvel Comics is issuing a new series featuring fights that are settled without violence.

The first issue of "411," a three-issue anthology series, will be published, appropriately enough, on April 11.

To set the proper nonviolent tone, it will feature an introduction by Arun Gandhi, grandson of Mahatma Gandhi.

Each issue will contain 32 pages of story and art, 10 more than usual, and sell for \$3.50.

The work will be done by some of the biggest names in the business: writer/artist teams Mark Millar and Frank Quitely ("Ultimate X-Men"); Chuck Austen ("X-Men") and Phil Winslade; Bruce Jones ("Hulk") and Sean Phillips; and Brian K. Vaughan and Leonardo Manco.

In addition to short stories by comic professionals, Marvel president Bill Jemas said, there will be contributions by Tony Kushner, the Tony Award-winning author of *Angels in America*; anti-nuclear activist Helen Caldicott, author of *The New Nuclear Danger*; and political cartoonist David Rees, who produced *Get Your War On*.

"The idea was to show nonviolent solutions in a violent world," said Austen. "These are stories that reflect other possibilities besides violence in response to violence."

There will be no Marvel superheroes in the comics, just real people.

Jemas said "411" is the flip side to the 9/11 tragedy. He said all he sees in newspapers and on television is violence. He wanted to offer an alternative.

Jemas said if sales are sufficient, Marvel might put out a new limited series each year.

Jan. 27, 2003, 8:11PM

'60 MINUTES' IN TRANSITION

CBS news show will adapt to times starting at the top

By MIKE McDANIEL

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Don Hewitt said Monday that he will continue as executive producer of CBS' *60 Minutes* through June 2004, then become executive producer of CBS News.

"I'm going to be here for 2 1/2 years, 1 1/2 as producer of this thing and then a year I'm going to supervise the transition," said Hewitt, who turned 80 on Dec. 14.

Jeff Fager, executive producer of *60 Minutes II*, will assume control of *60 Minutes* in June 2004.

As executive producer of CBS News, "I'm going to be a glorified pain in the ass," Hewitt said. "I'm going to poke my nose into a lot of business that a lot of people would prefer I didn't. I have had a theory about television news for years that I'd like to work on. I find the writing is atrocious, filled with clichés, and I intend to do something about it."

Rumors have been circulating for months that CBS was trying to push Hewitt out. That sparked defiant cries of "I will die at my desk" from Hewitt.

But egos were salvaged recently. Les Moonves, CBS CEO, ensured reporters during the winter press tour that Hewitt would be part of *60 Minutes* forever.

CBS "thinks I've got in me a lot more to be tapped, and I think I may have," Hewitt said, and you could almost hear the wink over the phone. He described his health as "never better."

"There was a point where I think they said we've got to start looking around because this guy someday may not be up to it, and we better start having a transition while he still is," he said.

"Frankly I didn't think I'd be doing this broadcast as many years as I have (35 years). But I am, and I love it, and I think they realized that I meant it when I said I'd be very unhappy to go work for someone else, but if push came to shove I'd do it."

Hewitt hinted that the show will change to adapt to the times. He thinks the current show is "as good as ever," although its audience has decreased and gotten older in recent years.

"Would (network executives) like it to be more profitable than it is. I think they would. Could it be and be the same broadcast? I doubt it. Is there room for compromise between what's profitable and what's good? That's what I'm going to explore."

Hewitt said he's aware that he works for a profit-making company in a world in which "bosses are beholden to shareholders" and where attracting certain demographics is important.

"Without caving in to demographics, you have to at least pay some attention to the fact that the target audience CBS has its eye on is younger than the audience that usually watches *60 Minutes*," he said. "It's a fact of life. Am I happy with it? Not particularly."

"What I'd like to do is to make the broadcast more profitable while it continues to be the class operation it's always been."

Can that reputation be maintained if the show goes softer, or tries to attract celebrity interviews?

"I don't know," he said. "If you've got a personality of the moment, who has nothing to say and isn't very interesting except he or she performs well, you don't want to do that person."

"I don't want to be Ed Sullivan. I don't want to just give them a chance to perform. I want to be able to explore who someone is, why they are the way they are, why the public is in love with them."

But Hewitt is keeping an open mind.

"I don't write off anybody," he said. "If Britney Spears had something to say, I'd do a story on her."

But not like the other shows on the air.

"I would insist that whatever we do, we do stylishly and well told," he said.

Jan. 27, 2003, 8:11PM

Former Talk editor Tina Brown tests the television waters

Associated Press

NEW YORK -- Former magazine editor Tina Brown is taking a small step into the television talk-show world, agreeing to be host of a series of prime-time specials on CNBC starting in March.

Brown will do four hourlong specials a year for the cable business channel, to feature "opinionated guests discussing and debating provocative topics in the arenas of business, politics and culture," the network said.

The first edition of *Topic A with Tina Brown*, on March 20 to coincide with the Oscars three days later, will be about Hollywood, hype and the wars between art and commerce.

Brown, the former editor in chief of *Vanity Fair*, the *New Yorker* and her own defunct magazine, *Talk*, has been writing for the *Times* of London and Salon.com since her magazine went under.

"This is a really nice way to have a good time evolving an interest in television and deciding whether I feel comfortable doing it, to see if it is something that is fun to do," Brown told the *New York Times*.

"*Topic A* will invite viewers to drop in on conversations that explore unexpected perspectives on business, politics and media," she said. "CNBC has a great demographic, and that means I can cover complex and intriguing topics in depth."

While still popular with business leaders, CNBC's ratings have dropped dramatically with the stock market in recent years.

Jan. 27, 2003, 11:14PM

Remember those old PCs? They're collectibles

By PHIL PATTON
New York Times

In the back of a closet sits my first computer, an Osborne 1 luggable, purchased in 1982 for \$1,780. I could no more bring myself to part with that ugly machine, the size of a sewing machine, than I could forget the codes for the program it ran (WordStar), which reside in my brain along with the odd line or two of *The Love Song of J. Alfred Prufrock* and the counties of North Carolina that I was forced to memorize in grade school.

Now I find I am not alone. A lot of people have a hard time saying goodbye to their first computers. Some people have even been known to collect early computers and cart them to shows. Now there is a guidebook for them, *Collectible Microcomputers* (Schiffer Books, \$19.95), by Michael Nadeau.

The attraction of these machines does not lie in their beauty. The Osborne's crudely molded plastic body bears an unpleasant pebbly texture. Its name and logo are printed on what is essentially a bumper sticker. Old computers that live forever suggest a rule: Any technology in its adolescence looks as geeky and gawky as its human equivalent.

When it is amazing enough that the thing works at all, who notices that it is not yet sleek nor made of titanium? Consider the unattractive piles of vacuum tubes of the first radios or the first television sets with screens no bigger than potholders.

Twenty years have lent even more fascination to old Osbornes, Kaypros and Radio Shacks, along with Ataris, Amigas, Commodores -- names that evoke the early days, when Radio Shack sold more computers than IBM. As for Eagle, Leading Edge and Mindset, they might have turned into Dells and Gateways but never did.

They are all there, from Altair to Zilog, in Nadeau's black-and-white paperback, which looks less like one of those coffee-table books on collectibles and more like an owner's manual.

Nadeau, who lives in Salem, N.H., is the publisher of Classic Tech, a newsletter devoted to collectible PCs (www.classictechpub.com). He owns only a handful himself.

He says that old computers show up on eBay and at garage sales or are listed at online bulletin boards. Most cost no more than \$20 to \$50.

"You've got a class of people who don't consider themselves collectors," he said. "They *use* old computers. These machines do everything I need, they reason, so why bother with Windows? Part of the appeal is, 'I can keep it going myself.'

"It's much the same as with cars," he said. "You can do your own work on the old ones but not on today's models."

First there were mainframes, remember, then minicomputers and, beginning in the 1980s, microcomputers, now known as PCs. Nadeau is more interested in the lore of the early PCs than in prices and rarity.

He tells the story of the Eagle computer, a promising IBM compatible of the 1980s. Dennis Barnhart, president of the company, was killed in a car crash the day it went public.

First-generation PCs were quite personal: Adam Osborne gave the Vixen, an early luggable, the pet name he gave a girlfriend. Steve Jobs named Apple's model called Lisa after his daughter.

The largest collection that Nadeau knows of, he said, numbers 1,200 and belongs to Sellam Ismail, who runs a vintage computer exhibition and flea market in Silicon Valley (www.vint-age.org).

Many collectors specialize (Ataris and Amigas are favorites). Nadeau is especially fond of old Radio Shack TRS-80s, once derided as Trash 80s.

Design buffs are drawn to the GRiD Compass of 1981 (the first laptop), and the Mindset, a "near-IBM compatible," as it was advertised, designed by Robert Brunner before he went to Apple. Both are in the Museum of Modern Art's design collection.

Some models have changed remarkably little. IBM's ThinkPad laptop just celebrated its 10th anniversary.

The Holy Grail of computer collectors is the Apple I, with only about two dozen in existence. The bare circuit board required the owner to provide his own case. They have sold for \$12,000 to \$25,000.

Jan. 27, 2003, 8:10PM

Numb and number

Hip-huggers present more than just a fashion peril

By **CHERYL LU-LIEN TAN**

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There is a new menace out there to women and girls, a thing of peril that can pinch nerves, cause pain and, if ignored, bring about permanent numbness. It's alarming enough that a Canadian doctor has chosen to speak out about its hazards before more women are affected.

This threat to female health? Hip-hugging pants.

Malvinder S. Parmar, medical director of the Timmins and District Hospital in Ontario, recently wrote a letter to the Canadian Medical Association Journal warning that wearing tight, low-rise pants a la pop starlets Britney Spears and Christina Aguilera can pinch the lateral femoral cutaneous nerve, located at the hip.

"I saw three patients in succession, one who thought she had multiple sclerosis because of the symptoms," Parmar said, adding that all three reported feeling numbness, burning or tingling sensations at the thighs.

After examining the patients -- who were between 22 and 35 -- Parmar determined that they suffered from a condition known as meralgia paresthesia, which can be caused by backpacks, seatbelts, tight pants and police officers' gun belts. When Parmar discovered that his three patients, who were mildly obese, all wore tight hip-huggers, he immediately instructed them to hang up their pants and wear loose clothing until the pain subsided.

"I wrote this letter because I thought it was a good reminder for women because there may be more cases out there, especially now that hip-huggers are back in fashion," Parmar said.

Charlene E. Hafer-Macko, assistant professor of neurology at the University of Maryland School of Medicine, confirmed that the condition is a real threat for women who regularly wear very tight pants, and those with certain illnesses such as diabetes are more susceptible to it. The condition is not life-threatening and is fairly uncommon, she said. But if left untreated, she said, permanent numbness could set in.

"It goes away on its own," she said. "The best thing to treat it is to remove whatever is compressing the nerve."

And for many women, in the case of hip-huggers, that serves as good fashion advice as well.

Jan. 27, 2003, 6:50PM

Today on TV

The 1970s set of *Three's Company*, which starred John Ritter, was re-created for a dream sequence in 8 *Simple Rules for Dating My Teenage Daughter*, 7 tonight on ABC/Channel 13. Paul (Ritter, left) imagines his daughters are living with a swinging bachelor (Billy Aaron Brown) in the episode titled "Come and Knock on Our Door."

State of the Union

President George W. Bush delivers the annual address.

8 p.m., various channels.

Abby

Duane Martin and Patrick Stinson guest-star as potential dates.

8 p.m., Channel 20.

Top talk

Live With Regis and Kelly welcomes Ellen DeGeneres, Andy Richter (9 a.m., Channel 13). **The View** welcomes co-host Kathy Griffin, Tom Bergeron (10 a.m., Channel 13). **The Wayne Brady Show** welcomes Sarah Chalke, Will Estes (3 p.m., Channel 13). On **Oprah Winfrey**, newlyweds discuss coping with being married (4 p.m., Channel 11). **The Tonight Show With Jay Leno** guests: Colin Farrell, Jeff Goldblum, Santana, Musiq (10:35 p.m., Channel 2). **Late Show With David Letterman** features Michael Caine, George Foreman (repeat, 10:35 p.m., Channel 11). **The Late Late Show With Craig Kilborn** welcomes Jeff Goldblum, Trista Rehn (12:05 a.m., Channel 11). **The Caroline Rhea Show** guests: Jeff Daniels, Sara Rue, Lifehouse (12:05 a.m., Channel 13). On **Late Night With Conan O'Brien**, Ellen DeGeneres, MC Hammer, Simple Plan (1:05 a.m., Channel 2).

Jan. 27, 2003, 6:27PM

On Two

The following albums are scheduled to be in stores today.

Pick of the week: From the ashes of Smashing Pumpkins rises **Zwan**, fronted by singer/guitarist Billy Corgan and drummer Jimmy Chamberlain, on the album *Mary Star of the Sea*.

Swamp blues: Seasoned Louisiana musician **Sonny Landreth** mixes blues, rock, Cajun and zydeco in rare and soaring fashion on *The Road We're On* (Sugar Hill). ... Heralded blues man **Mighty Sam McClain** returns with *One More Bridge to Cross*.

Old/new faces: *Culture Club* boxes all its hits plus alternate takes, demos and new remixes on a four-CD set. ... A new edition of the classic *Five Live Yardbirds* builds on the '64 performance from London's Marquee Club with other live recordings. ... Jesse Malin emerges from D Generation with *The Fine Art of Self Destruction*.

Get jazzed: Pianist Benny Green and guitarist Russell Malone make surprisingly apt duets on *Jazz at the Bistro*, recorded live doing up works by John Coltrane, Billy Strayhorn and Benny Carter. ... Guitarist Ry Cooder collaborates with Cuban guitarist Manuel Galban (of Los Zafiros) on *Mambo Sinuendo* (Nonesuch/Perro Verde), a logical next step for fans of the Buena Vista Social Club.

Gospel plow: Aaron Neville serves up a second set of haunting, heartfelt gospel on *Believe*. Among the works are his versions of *Amazing Grace* and *Ave Maria*.

-- Knight Ridder Newspapers

JOKES ON US

A minister had a passion for peach brandy and one of his church members would make him a bottle each year.

One year when the congregant gave him the bottle, he told the minister that he wanted to be thanked from the pulpit.

The next Sunday, the minister stood in his pulpit and looked out to see his grinning friend. "Before we begin, I have an announcement," the minister said. "I would very much like to thank my friend, Joe, for his kind gift of peaches ... and for the spirit in which they were given!"

-- Submitted by Mary Lynn Jones,

Houston

LIGHT THE CANDLES

Author Susan Sontag is 70. Actor Alan Alda is 67. Rock singer Sam Phillips is 41. Country musician Greg Cook (Ricochet) is 38. Singer Sarah McLachlan is 35. Singer Joey Fatone Jr. ('N Sync) is 26. Singer Nick Carter (Backstreet Boys) is 23. Actor Elijah Wood is 22.

TODAY IN HISTORY

In 1909, the United States ended direct control over Cuba.

In 1915, the Coast Guard was created by an act of Congress.

In 1986, the space shuttle Challenger exploded 73 seconds after liftoff from Cape Canaveral, killing all seven crew members.

CALENDAR

CLASSICAL CONNECTION: Classical music abounds at the University of Houston this weekend; call 713-743-3313 for tickets.

•The 20th annual International Piano Festival Series features pianist Abbey Simon and the works of Beethoven, Brahms, Paganini, Chopin and Ravel at 7:30 p.m. Saturday in Moores Opera House and noon Sunday in Dudley Recital Hall, Fine Arts Building. Tickets are \$20; \$10 for students and seniors.

•A faculty recital, "American Flute Music," features flautist Kimberly Clark, guest pianist Donald Doucet and Blake Wilkins on percussion and selections from Liebermann, Dick Foss, Schwantner, White and Beaser at 3 p.m. Sunday in Moores Opera House. Tickets are \$4 for students and seniors; \$5 for faculty and alumni; \$6 for others.

•"An Evening of French Art Song" featuring guest vocalist Jonathan Retzlaff and guest pianist Enid Katahn will be at 7:30 p.m. Sunday in Dudley Recital Hall.

Tickets are \$10; \$5 for students and seniors.

IT'S FREE

SNAPSHOTS: Actress and playwright Anna Deavere Smith will present "Snapshots: Glimpses of America in Change" at 7 p.m. Feb. 5 in the Moores Opera House at the University of Houston. Her lecture -- part speech and part performance -- will examine how issues of race, class and gender have shaped and are transforming America's character. The lecture, reception and book signing are free, but seating is limited and reservations are required. Call 713-743-2255 and leave your name, address, phone number and number of tickets requested.

CLOSE TO HOME

by John McPherson